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# Response to Gardiner

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## Response

Natalia Mari Espejo

The United Nations has encountered its share of challenges over the course of its sixty-year history; its programs have not been consistently successful, and individuals acting under its auspices have not always upheld the institution's core values. Yet multilateral cooperation is absolutely essential, especially now, as threats to personal and international security become increasingly transnational. The power dynamic of the United Nations demands consensus, which is problematic but useful, because it allows countries to enjoy some level of representation while restricting the overall mandate of the United Nations. As a result, the U.N. as an institution is severely limited in its capacity to intervene and mediate. Coupled with recent evidence of U.N. failure, it reinforces the need for serious structural reform. Dr. Gardiner is justified in his criticism of the U.N., but the implications of his assessment merit further exploration. In this essay, I will first highlight the main contributions of Gardiner's analysis. Second, I will present a response to his overarching criticism of the United Nations, and finally, I will conclude by providing an alternative framework for understanding the problems of global governance and potential U.N. restructuring.

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Dr. Gardiner's critique of the United Nations addresses three key issues: accountability, responsibility, and leadership. The failure of the U.N. in these areas thematically supports the crux of his argument, as he maintains that poor leadership and constant corruption have consistently plagued the institution throughout its tenure as the world's sole organ of global governance. The concerns Gardiner raises certainly deserve greater attention. The peacekeeping atrocities in the Democratic Republic of Congo and the Oil-for-Food scandal represent significant institutional failures. In both cases, the United Nations interfered with national politics without properly preparing itself. Additionally, as with many peacekeeping operations, U.N. troops entered the Congolese conflict without proper training and repeatedly failed in their objectives, as the lack of oversight structures limited the extent to which the United Nations could punish individuals who exploited their position as peacekeepers to victimize the populations they were

supposedly protecting.<sup>1</sup> The U.N. has without question been deficient in its institutionalization of accountability measures. It is also clear that the organization has failed to play a consistent leadership role as evidenced by the Rwanda and Bosnia cases.

Gardiner correctly identifies the United States as the world's only superpower, and as a result, he makes a serious argument in favor of its diplomatic superiority. His analysis of the United States' role in international affairs is accurately grounded in a realist framework, and describes an often-ignored geopolitical perspective. Furthermore, his discussion of the U.S.'s hegemony establishes the sole remaining superpower as the presumptive leader on issues of international concern. As the world's most economically and militarily developed country, the United States is without question an important player on the international stage.

Gardiner's historical analysis highlights many of the U.N.'s significant shortcomings, and is to a degree successful in undermining its credibility. It would be naïve to assert that the United Nations is a corruption-free organization that holds a perfect human rights record. However, Gardiner's argument leaves several important questions unanswered because it does not situate U.N. failures within the context of inter-state politics. The organization's membership consists of free states that have agreed to enter into voluntary association with one another. To date, the United Nations is, therefore, severely restricted in its capacity to create and enforce binding initiatives. As a result, the U.N. is in many cases structurally incapable of legally monitoring and controlling the actions of its member states.

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The following section delves into two of Dr. Gardiner's most important examples: the Oil-for-Food and the Congo Peacekeeping scandals. The gross misappropriation of funds that characterized the execution of the United Nation's Oil-for-Food program certainly represents a significant U.N. failure. The fact that Saddam Hussein directly profited from permitted oil sales demonstrates that the program's designers did not sufficiently consider the risk of malfeasance. However, I am hesitant to concur with Gardiner's allegation of internalized corruption. To start, the United Nations cannot be held accountable for the illicit sale of crude oil to Syria, Turkey, and Jordan, because these transactions took place without U.N. supervision and in direct opposition to binding

economic sanctions. The Senate subcommittee investigation into the Oil-for-Food scandal confirms this fact as it discovered that Hussein's biggest profits came from similar transactions that also eluded the U.N.'s accountability checks.<sup>2</sup>

Clearly, the U.N. should invest in more effective oversight structures to prevent future misconduct. However, several factors contributed to the Oil-for-Food scandal, most of which were out of the United Nations' control. To illustrate, Saddam Hussein exploited the ever-sacrosanct right to sovereignty, which is enshrined in the U.N. Charter,<sup>3</sup> to ensure that he, as his country's only executive, remained personally in charge of negotiating all aspects of the oil contract permitted under the Oil-for-Food program. This flexibility allowed him to manipulate negotiations and evade oversight.

One might note at this point that the right to sovereignty has been similarly invoked by the United States and its leaders as a sound reason for rejecting the ratification of the Rome Statute (calling for the creation of an International Criminal Court), the Comprehensive Nuclear Test Ban Treaty, and the Convention on the Rights of the Child (a treaty that has been ratified by every member of the General Assembly with the exception of the United States and Somalia; the latter having no recognized national government and as a result is functionally incapable of ratifying the Convention<sup>4</sup>). Furthermore, the failures of the Oil-for-Food program are more representative of problems related to corruption within specific member states, and do not reflect a case of internalized misconduct. Gardiner's examples prove that the U.N. is occasionally unsuccessful in its attempts to monitor the behavior of its member states, which signals the need for greater oversight but does not fundamentally undermine the need for U.N. intervention.

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Dr. Gardiner is correct to criticize the Democratic Republic of Congo (DRC) peacekeeping operation, as its execution severely undermined the United Nations' mission. However, the fact that U.N. peacekeepers exploited their positions of power does not fundamentally challenge the conceptual validity of peacekeeping. Even if U.N. responses to internal displacement and civil wars carry unexpected consequences, the alternative of ignoring genocide and human rights violations will inevitably produce an unacceptable pattern of inaction.

The U.N.'s definition of peacekeeping is by no means concrete. As the institution encounters newly emerging conflicts, U.N. peacekeepers are often tasked with bringing stability to countries that are in a state of chaos. Peacekeeping has proven to be such a challenge that the United Nations has authorized the use of force in recent conflicts in the Persian Gulf, Somalia, and the former Yugoslavia.<sup>5</sup> The legal infrastructure of the United Nations is far from adequate.<sup>6</sup> Allegations of egregious human rights abuses are generally addressed through an *ad hoc* evaluative process.<sup>7</sup> My intent here is not to excuse the behavior of U.N. peacekeepers during the Congo operation, but rather to explore the structural factors that contributed to the organization's failed oversight.

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As a prominent member of the United Nations, the United States, like its French and British counterparts, enjoys a global position of privilege. Unfortunately, the United States uses its military and economic superiority to further the goal of isolationism instead of productive multilateralism. The U.S. has recently all but ignored the U.N. on issues like the Iraq War and the conflict in Israel. While Gardiner's description of the U.S. certainly establishes it as a global power, it does little to explain why the United States should enjoy any credibility as an effective and cooperative member of the global community.

The U.S. is in absolutely no position to fill the void that would be left in the absence of the United Nations. Recent events at Guantanamo and Abu Ghraib prove that even the U.S. Army is incapable of fully controlling the behavior of its recruits. Fortunately, the Uniform Code of Military Justice stipulates that individuals who commit crimes during humanitarian interventions must be tried and appropriately punished.<sup>8</sup> U.N. peacekeepers, however, cannot be similarly sanctioned. This signals a more complicated problem within the United Nations relating specifically to the issue of accountability. The nuances that characterize the legal history of the United Nations are especially problematic when it comes to the issue of peacekeeping. Because the United Nations is not a sovereign country, "it is not bound by the Conventions relating to the law of armed conflict, except in cases where the Conventions represent international customary law."<sup>9</sup> Since peacekeepers technically are impartial third parties, they are not bound by documents like the Geneva Conventions, which establish a set of rules

for war.<sup>10</sup> Peacekeeping as a concept is thus idealized to assume a neutral and non-violent meaning. Traditional acts of war cannot be conflated with peacekeeping operations that, at least in spirit, exist only to quell acts of genocide. Therefore, peacekeepers remain as legally ambiguous subjects. Despite acting in a pseudo-military capacity, peacekeeping forces do not engage in war as it is traditionally defined. Their stated purpose is to establish and maintain the peace. However, because they intervene in what I will tentatively call an extra-national capacity, legally monitoring their activity is a challenge. Humanitarian law is restricted in its applicability to inter-state conflict, which leaves little room for the consideration of international agents.<sup>11</sup> Thus, while Dr. Gardiner is unequivocally correct in his criticism of the criminal acts that were committed in the Congo, assigning responsibility to the peacekeepers' countries of origin oversimplifies and does little to address what has become a legal quandary.

U.S. criticism of the U.N., particularly as it is articulated in Gardiner's essay, fails to analyze the institution's structural shortcomings and focuses instead on finding justifications for making it irrelevant. Considering the current geopolitical reality that characterizes inter-state interactions, this perspective is very dangerous.

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The United Nations, despite its shortcomings, is the only institution in existence that facilitates international political cooperation. No other organ exists that is capable of bringing together the governments of the world to discuss issues like genocide, human trafficking, and the global AIDS crisis. Thus, in the next part of this article, I will articulate a defense of the United Nations and offer a set of solutions to the current problems facing global governance today.

Initially, I would like to turn to the work of Seth Jones and James Dobbins who explore the history of the United Nations, particularly as it relates to nation-building efforts. Their conclusions are unexpected, considering the organization's recent bad press, but are supported by sound logic and careful sociopolitical observation. The authors' argument presents the United Nations as the organization most capable of addressing problems relating to inter-state disputes and transnational security threats. Their analysis is particularly compelling because it is couched in a broader discussion of nation-building efforts, and the relative successes and failures of states and other institutions since the

end of the Second World War. Interestingly, Jones and Dobbins focus on the success of United Nations' efforts relative to those of other states and institutions. Thus, they avoid the question: Is the United Nations fully solvent? Instead they ask: How successful has the United Nations been in comparison to the available alternatives? By answering the latter, Jones and Dobbins establish a clear pattern of U.N. success, which is not necessarily evidenced by the eradication of *all* conflict, but rather noticeable improvements in the midst of internal disputes and humanitarian crises. As examples, the authors cite the cases of East Timor and Eastern Slovenia, two conflicts that pale in comparison to the events that transpired in Rwanda and the Democratic Republic of Congo, but that nonetheless underscore some of the United Nations' most important functions. These case studies are particularly interesting because of their size. Both Eastern Slovenia and East Timor are small geographic spaces with moderately sized populaces, unlike the DRC, Bosnia, and Rwanda. In both countries, U.N. peacekeeping operations successfully oversaw the development and eventual dissolution of transitional governments, disarmed combatants, and established new security forces while keeping the peace.<sup>12</sup>

These illustrative cases demonstrate that one of the biggest problems facing the United Nations relates very integrally to scale.<sup>13</sup> The fact that the U.N. is substantially more successful in small countries speaks volumes about the organization's military and economic capabilities. Jones and Dobbins explain that in the cases of the DRC and Rwanda, the U.N. lacked the necessary military and economic resources to execute a successful and consolidated peacekeeping operation. Poorly trained troops and finite resources ultimately contributed to the organization's failure, which is clearly articulated in Gardiner's essay. However, his criticism falls short because it generalizes logistical failures in an attempt to discredit the United Nations as an institution.<sup>14</sup> Furthermore, Jones and Dobbins conclude that the U.N. has been significantly more successful than others at addressing intra-state conflicts, largely because of its perceived neutrality, despite the resource and decision-making restrictions imposed by the Security Council. Yet Dobbins and Jones stop short of actually lauding U.N. missions for their success, as they argue that they, "tend to be undermanned and under-funded and are frequently staffed and led subject to the expectation of unrealistic best-case scenarios."<sup>15</sup> The real problem is specifically related to resources and, unfortunately, "member states are rarely willing to commit the troops, police, or money any prudent military commander

would desire.”<sup>16</sup> Excuses will certainly do little to undo the damage caused by failed U.N. interventions, however the fact remains that U.N. missions more often than not are the best possible option in a world of nonexistent alternatives. To clarify, “U.N. peacekeeping operations are often described as having been ‘born of necessity.’”<sup>17</sup> They are treated as inexpensive alternatives to what is traditionally considered armed intervention.

Currently peacekeeping operations function in a predominantly *ad hoc* capacity. As conflicts develop, the Security Council debates the potential benefits and consequences of intervention before deciding whether or not to commit peacekeeping forces.<sup>18</sup> Additionally, the United Nations must secure the support of the host country prior to the deployment of any peacekeeping operation.<sup>19</sup> The enumerated guidelines do indeed function as a framework for executing peacekeeping operations. However, the U.N. has yet to develop a structure that would facilitate the identification of conflicts that might require intervention. Consequently, it is often geopolitics that determines who intervenes and where.<sup>20</sup> The Cold War is a particularly obvious example of how the United Nations can be rendered irrelevant in its capacity as a peacekeeper due to the political and economic interests of the Security Council.<sup>21</sup>

U.N. operations represent the concentrated contribution of individual states. In the absence of effective internal oversight structures, the United Nations is forced to rely on the screening mechanisms of its members. In addition, the United States has been historically hesitant about contributing troops to peacekeeping operations, which gives the U.N. the choice of either ignoring genocide and violent political conflicts, or doing its best with the available resources. Resolving this tension would require member states to accept a form of restricted sovereignty that could empower the United Nations to develop, fund, and deploy military operations. The Eastern Slovenia and East Timor cases prove that the U.N. is capable of successfully keeping the peace when it has access to the necessary resources. The U.N.’s current division of power limits the scope of peacekeeping for two reasons. First, the imperative for Security Council consensus forces the United Nations to justify intervention as ethnic conflict and genocide occurs, which means some loss of life for the sake of the deliberative process. Second, the veto power of the five permanent members necessarily politicizes responses to humanitarian crises. The current makeup of the Security Council allows the victors of the Second World War to determine the



United Nation's agenda. This power dynamic functionally removes the members of the General Assembly from the decision-making processes that determine global politics.

During the Rwandan genocide, for example, the African perspective was left out of discussions regarding potential intervention, with the exception of Secretary-General Kofi Annan, who participated as a non-voting member. The United Nations failed to intervene in Rwanda, and millions lost their lives as a consequence. However, the world's powerful governments had the opportunity to demand international intervention and also demurred.

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Dr. Gardiner's essay explores several U.N. failures. His discussion falls short of actually discrediting the institution, however, because it does not conceptually problematize its changing role in the context of contemporary international relations. Security threats are no longer restricted by fixed geographic borders and actually transcend the boundaries imposed by a strictly realist interpretation of international politics. Globalization and its political and economic consequences have created a situation in which it is functionally impossible to reduce global governance to inter-state politics. There now exists a set of "global" problems that affects countries regardless of their geopolitical importance. The United Nations is the only institution that addresses issues related to development, health, and the environment in their proper global contexts, because it considers, at least in some capacity, the perspectives of the entire international community. While the United Nations, like all bureaucracies, is plagued by administrative and structural problems, it remains as a site of dialogue, compromise, and cooperation.

The questions raised by Dr. Gardiner, although almost completely valid, are predominantly logistical. Robust funding initiatives, a restructuring of the Security Council, and an acceptance of restricted sovereignty would go a long way towards facilitating the creation of a more effective United Nations. Until then, the United Nations must do what it can to address issues like genocide, civil war, climate change, famine, and human trafficking, even if its efforts achieve less than perfect results, because the alternatives are indifference, militant unilateralism, and inaction.

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## Notes

1. Tittlemore, p. 8.
2. Labott and Hirschkom, p. 1.
3. U.N. Charter, located online at <http://www.un.org/aboutun/charter/>.
4. UNICEF, located online at [http://www.tsunamigeneration.org/crc/index\\_30229.html](http://www.tsunamigeneration.org/crc/index_30229.html).
5. Tittlemore, p. 2.
6. Ibid.
7. Ibid.
8. Myers, p. 1.
9. Bialke, p. 13.
10. Ibid.
11. Bialke, p. 13.
12. Jones and Dobbins, p. 4.
13. Ibid.
14. Ibid.
15. Jones and Dobbins, p. 7.
16. Ibid.
17. Tittlemore, p. 5.
18. Ibid., p. 5.
19. Ibid.
20. Bialke, p. 3.
21. Ibid.

## Bibliography

- Bialke, Major Joseph. "United Nations Peacekeeping Operations: Applicable Norms and the Application of the Law of Armed Conflict." *The Air Force Law Review*. 2001.
- Jones, Seth, and James Dobbins. "Symposium: U.N. Reform: The U.N.'s Record on Peacekeeping." *Chicago Journal of International Law*. Winter 2006.
- Labott, Elise, and Brian Hirschkom. "Documents: U.S. Condoned Iraq Oil Smuggling." Accessed online at <http://www.cnn.com/2005/WORLD/meast/02/02/iraq.oil.smuggle>.
- Myers, Steven. "Judging Abu Ghraib: Why Military Justice can Seem Unjust." *The New York Times*. 6 June 2004.
- Tittlemore, Brian. "Belligerents in Blue Helmets: Applying International Humanitarian Law to United Nations Peace Operations." *Stanford Journal of International Law*. Winter, 1997.
- United Nations Charter, online at <http://www.un.org/aboutun/charter/>. Accessed on 9 September 2006.
- UNICEF, online at [http://www.tsunamigeneration.org/crc/index\\_30229.html](http://www.tsunamigeneration.org/crc/index_30229.html). Accessed on 7 September 2006.