



General Assembly

Distr.: General
8 August 2022

Original: English

Human Rights Council

Fifty-first session

12 September–7 October 2022

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Rethinking global peace and security: a democratic and equitable international order in jeopardy

Report of the Independent Expert on the promotion of a democratic and equitable international order, Livingstone Sewanyana*

Summary

The Independent Expert on the promotion of a democratic and equitable international order, Livingstone Sewanyana, focuses his fifth thematic report to the Human Rights Council on some of the main challenges and issues at stake in relation to the maintenance and strengthening of international peace and security at the global level from the perspective of his mandate, and possible ways to overcome them.

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



I. Introduction

1. The present report of the Independent Expert on the promotion of a democratic and equitable international order, Livingstone Sewanyana, is submitted to the Human Rights Council pursuant to Council resolution 48/8.

2. Maintaining international peace and security is one of the fundamental purposes of the United Nations, as stipulated in Article 1 of the Charter of the United Nations. It is also the bedrock of a democratic and equitable international order, which, pursuant to Human Rights Council resolution 48/8 and General Assembly resolution 76/165, requires, *inter alia*, the realization of the right of all peoples to peace (para. 6 (d)) and the shared responsibility of the nations of the world for addressing threats to international peace and security, that should be exercised multilaterally (para. 6 (o)). Furthermore, in those same resolutions, both the Council and the General Assembly reaffirmed that all States should promote the establishment, maintenance and strengthening of international peace and security (para. 11) and underlined that attempts to overthrow legitimate Governments by force or other illegal means disrupt the democratic and constitutional order, the legitimate exercise of power and the full enjoyment of human rights (para. 12).

3. The current tragic events in Ukraine, initiated in February 2022, undermine the rules-based international order at its very core. The United Nations High Commissioner for Human Rights, in a statement to the Human Rights Council on 3 March 2022, said that the invasion opened “a new and dangerous chapter in world history”, while the Secretary-General, in his remarks to the General Assembly on Ukraine on 23 February 2022, called it “the most serious global peace and security crisis in recent years”. These events are yet another reminder that decisive change is needed on several fronts to achieve a democratic and equitable international order. The late Secretary-General Kofi Annan had deemed that the invasion of Iraq in 2003 by a coalition led by the United States of America was not in conformity with the Charter of the United Nations, and that “from the Charter point of view it was illegal”.¹ The invasion of Afghanistan two years beforehand by the United States of America and its allies was arguably illegal under international law. As a result, the Independent Expert has decided to focus the present report on some of the main challenges and issues at stake in relation to the maintenance and strengthening of international peace and security at the global level from the perspective of his mandate, and possible ways to overcome them.

4. The current conjunction of significant threats facing humanity is particularly striking. In addition to the current volatile security situation, the coronavirus disease (COVID-19) pandemic continues to be a major cause of concern with the uncertainty surrounding the continuous emergence of new variants; every day, the world witnesses harsher manifestations of climate change; and the conflict in Ukraine is increasing food insecurity globally. These challenges, among several others, are global and transversal and, as such, they all ultimately threaten international peace and security, and impede the realization of a democratic and equitable international order. More than ever, strong, efficient and inclusive multilateralism, sustained international cooperation and full respect for international law should be the responses to these crises.²

5. Owing to the word limit, the Independent Expert has restricted the scope of the present report to several key issues that he believes need to be highlighted in the current particularly tense context. They are: (a) the centrality of international law and peace in safeguarding international order; (b) a new impetus for global disarmament; and (c) the much-needed structural reform of some key United Nations bodies.

6. In preparing the report, in addition to extensive research and a desk review, the Independent Expert sent a questionnaire to Member States, civil society and other

¹ United Nations, “Lessons of Iraq war underscore importance of UN Charter – Annan”, UN News, 16 September 2004.

² See the Independent Expert’s report entitled “In defence of a renewed multilateralism to address the coronavirus disease (COVID-19) pandemic and other global challenges” (A/HRC/48/58), which contains several observations and recommendations relevant to the present report. See also the submissions of Argentina, Armenia, Iraq and Malawi; and those of CIVICUS: World Alliance for Citizen Participation and the International Trade Union Confederation.

stakeholders and consulted bilaterally with several stakeholders to seek their views on the topic.³ He thanks everyone who took the time to engage with him and contribute to the report.

7. The Independent Expert hopes that the present report, which is not intended to be exhaustive on this complex and evolving matter, will provide useful observations and recommendations to all stakeholders seeking to uphold international peace and security, in the pursuit of a democratic and equitable international order.

II. Activities

8. During the reporting period, which was still partly affected by travel restrictions owing to the COVID-19 pandemic, the Independent Expert participated in several events, including:

(a) An online roundtable entitled “Solidarity, Equity and the Global COVID-19 Experience”, held on 8 September 2021 and organized by the Global Preparedness Monitoring Board, co-convened by the Director-General of the World Health Organization and the President of the World Bank. The aim was to better understand the context of systemic global inequity and the inequalities that have defined the global response to COVID-19, and to identify actionable, forward-looking solutions to improve equity and solidarity in the global health emergency ecosystem;

(b) An online panel discussion on realizing universal access to COVID-19 vaccines in Africa, held on 11 November 2021 and organized jointly by the Forum on the Participation of NGOs in the Ordinary Sessions of the African Commission on Human and Peoples’ Rights and Amnesty International, prior to the sixty-ninth session of the African Commission;

(c) An interview with *The Upstream Journal* on “Pathways to peace”, recorded on 2 February 2022, exploring the structural context of inequality, abuse and oppression around the world;

(d) An online panel discussion on the future of global human rights governance, held on 10 March 2022 and organized by the Global Governance Centre at the Graduate Institute of International and Development Studies in Geneva, in the context of the events unfolding in Ukraine, the special meetings being held at the General Assembly and the Human Rights Council and the unknown consequences for the international order.

9. The Independent Expert found that all the interactions he had with his various interlocutors on thematic and country issues were instructive and demonstrated a continuing interest in the mandate.

III. Rethinking global peace and security: a democratic and equitable international order in jeopardy

A. Centrality of international law and peace in safeguarding international order

1. Respect for international law and promotion of a culture of peace

10. The Independent Expert firmly believes that full and unconditional respect for international law, including international human rights law and international humanitarian law, is the condition sine qua non for realizing a peaceful, prosperous, resilient and just international order.⁴ In this regard, the Charter of the United Nations is the backbone of

³ The questionnaire and the responses received are available on the web page of the Independent Expert, at <https://www.ohchr.org/en/special-procedures/ie-international-order/annual-thematic-reports>.

⁴ See also the submission of Mauritius.

international law as it prevails over all international norms (Art. 103 of the Charter) and can be called “a kind of world constitution”.⁵

11. He deems it appropriate to recall the spirit of the Charter as described in its preamble, which states that “we the peoples of the United Nations [are] determined to save succeeding generations from the scourge of war ... and to practice tolerance and live together in peace with one another as good neighbours”. Article 2 provides that: “All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered” (para. 3) and that: “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations” (para. 4). These provisions are abundantly clear: an *à la carte* application of the Charter shall not be permitted, that is, the centrality of the Charter shall be espoused at all times.

12. The Independent Expert regards peace as the highest and most noble aspiration of humankind. It is its most precious asset and should be ardently cherished and protected. It is also the paramount principle of international order.⁶ The cardinal value of peace and the need to foster a culture of peace have been enshrined and reiterated in several important United Nations documents over the years, starting with the Charter, as noted above.

13. In 2016, the Human Rights Council passed its resolution 32/28, in which it adopted the Declaration on the Right to Peace. Article 1 of the Declaration provides that: “Everyone has the right to enjoy peace such that all human rights are promoted and protected and development is fully realized.” Hence, it recognized peace as an enabling right, which preconditions the enjoyment of civil, political, economic, social and cultural rights⁷ and sustainable development. The Declaration was the outcome of four open-ended working group sessions, starting in 2013; 34 Member States voted in favour of the resolution.

14. The General Assembly has passed several resolutions on the culture of peace. In 1999, it adopted its resolution 53/243 on the Declaration and Programme of Action on a Culture of Peace to promote and strengthen a culture of peace in the new millennium. Article 1 of the Declaration defines a culture of peace as “a set of values, attitudes, traditions and modes of behaviour and ways of life based on [inter alia]: (a) Respect for life, ending of violence and promotion and practice of non-violence ...; (b) Full respect for the principles of sovereignty, territorial integrity and political independence of States ...; (c) Full respect for and promotion of all human rights and fundamental freedoms; [and] (d) Commitment to peaceful settlement of conflicts”.

15. In 2000, the General Assembly, in its resolution 55/2, adopted the United Nations Millennium Declaration, in which it asserted that a culture of peace and dialogue among all civilizations should be actively promoted (para. 6).

16. In 2011, the United Nations Educational, Scientific and Cultural Organization adopted at the thirty-sixth session of its General Conference a programme of action for a culture of peace and non-violence, which reinforces the General Assembly’s Programme of Action on a Culture of Peace.

17. In 2021, the General Assembly, in its resolution 76/68, reiterated that the objective of the effective implementation of the Programme of Action on a Culture of Peace was to strengthen further the global movement for a culture of peace following the observance of the International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001–2010 (para. 1) and invited Member States to continue to place greater emphasis on and expand their activities promoting a culture of peace at the national, regional and international levels and to ensure that peace and non-violence are fostered at all levels (para. 3).

18. In that same resolution, the General Assembly recognized the role of women and youth, as well as the contribution of children and older persons in advancing a culture of

⁵ See the submission of Alfred de Zayas.

⁶ *Ibid.*

⁷ *Ibid.*

peace, and in particular the importance of greater involvement of women in the prevention and resolution of conflicts and in activities promoting a culture of peace, including in post-conflict situations.

19. The General Assembly has further affirmed its attachment to the issue of a culture of peace by holding several high-level dedicated forums, most recently in 2021 with particular emphasis on tackling the multidimensional impacts of the ongoing COVID-19 pandemic and towards a resilient and inclusive recovery. The Independent Expert looks forward to the next forum on the culture of peace, to be organized in September 2022, focusing on the importance of justice, equality and inclusion for advancing peacebuilding.

20. The Secretary-General has devoted several reports to the promotion of a culture of peace and interreligious and intercultural dialogue, understanding and cooperation for peace.⁸ On a related note, the Independent Expert reiterates his full support to the call made by the Secretary-General in March 2020, at the outset of the COVID-19 pandemic, for a global ceasefire in all parts of the world to focus on defeating the pandemic.⁹

21. The Independent Expert praises the work of several United Nations entities that have engaged in promoting a culture of peace, including the United Nations Educational, Scientific and Cultural Organization, the United Nations Children's Fund, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the United Nations Alliance of Civilizations, as well as the United Nations-mandated University for Peace. Likewise, he praises the tireless efforts of civil society in promoting a culture of peace over the decades. The international community ought to be grateful for civil society's essential work in that area.

2. Importance of sustaining peace and prevention

22. According to Alfred de Zayas, the previous mandate holder: "Peace is much more than the absence of war, and necessitates an equitable world order, characterized by the gradual elimination of the root causes of conflict, including extreme poverty, endemic injustice, privilege and structural violence ... In order to achieve universal peace, it is necessary to create and safeguard the conditions of peace, including economic development and progressive social legislation."¹⁰

23. In 2015, the General Assembly made a clear nexus between peace and development in the preamble to Transforming our world: the 2030 Agenda for Sustainable Development, stressing that: "There can be no sustainable development without peace and no peace without sustainable development." The 2030 Agenda recognized the need to promote peaceful and inclusive societies and provide access to justice for all (Goal 16) and a culture of peace and non-violence (target 4.7). As a result, as noted by the International Peace Institute: "Because peace is both an enabler and an outcome of sustainable development, the 2030 Agenda for Sustainable Development is a strategic entry point for sustaining peace."¹¹

24. In 2016, the General Assembly and the Security Council adopted twin resolutions on a review of the United Nations peacebuilding architecture, which broadened the approach to peacebuilding to ensure that it addressed the root causes of conflict and crisis and focused on sustaining peace. According to the General Assembly in its resolution 70/262 and the

⁸ See, for example, [A/76/357](#).

⁹ Secretary-General, "Now is the time for a collective new push for peace and reconciliation", 23 March 2020. Available at <https://www.un.org/en/globalceasefire>.

¹⁰ See the submission of Alfred de Zayas. In the current Independent Expert's previous report to the Council, he addressed a number of issues pertaining to inequity and inequality in the economic recovery in the context of the COVID-19 pandemic, which have a more or less direct impact on achieving and sustaining peace. These are, inter alia, a warning against the imposition by international financial institutions of any future retrogressive measures attached to loan conditionalities in the context of the pandemic; an overhaul of the global tax system; the establishment of a global fund for social protection; the introduction of an emergency universal basic income; and a call to adopt the United Nations draft declaration on human rights and international solidarity ([A/HRC/48/58](#), paras. 43–52).

¹¹ Youssef Mahmoud, Lesley Connolly and Delphine Mechoulan, eds., *Sustaining Peace in Practice: Building on What Works* (International Peace Institute, February 2018), p. iv.

Security Council in its resolution 2282 (2016), sustaining peace should be broadly understood as a goal and a process to build a common vision of a society, ensuring that the needs of all segments of the population are taken into account, which encompasses activities aimed at preventing the outbreak, escalation, continuation and recurrence of conflict, addressing root causes, assisting parties to conflict to end hostilities, ensuring national reconciliation, and moving towards recovery, reconstruction and development. They also stressed that sustaining peace was primarily a responsibility of Member States.

25. In his report entitled “Our Common Agenda”, launched in 2021, the Secretary-General gave a central place to the maintenance and strengthening of peace and security, articulating his vision for the future of global cooperation through inclusive, networked and effective multilateralism. He highlighted four broad areas: (a) renewed solidarity between peoples and with future generations; (b) a renewed social contract anchored in human rights; (c) better protection of critical global commons; and (d) a new global deal for global public goods that deliver equitably and sustainably for all.¹² In the words of the Secretary-General: “If there is a central message in my report it concerns preventing war and strengthening global peace and security.”¹³ He recognized that “our collective peace and security is increasingly under threat as a result of emerging risks and dangerous trends for which traditional forms of prevention, management and resolution are ill suited”.¹⁴ This is all the more true in the current security situation.

26. In February and March 2022, the President of the General Assembly organized five informal thematic consultations with Member States on the proposals included in Our Common Agenda, which received broad support. The Independent Expert notes with satisfaction that four of the six core areas of the proposed new agenda for peace – (a) reducing strategic risks; (b) supporting regional prevention; (c) putting women and girls at the centre of security policy; and (d) investing in prevention and peacebuilding – attracted broad support from Member States. They requested further clarification on the two other areas: (e) reshaping responses to all forms of violence; and (f) strengthening international foresight and capacities to identify and adapt to new peace and security risks. Member States agreed on the need to ensure adequate, predictable and sustained financing for peacebuilding.¹⁵ This has been a cause of major concern, as flagged by the Secretary-General in his report on peacebuilding and sustaining peace,¹⁶ submitted in support of the high-level meeting of the General Assembly during the seventy-sixth session, focused on financing for peacebuilding, owing to the increase in violent conflicts, their changing, protracted and complex nature and their dire consequences. The Independent Expert finds therefore the response of Member States to the Secretary-General’s proposed new agenda for peace encouraging, and calls on Member States and other relevant stakeholders, in particular civil society, to work with the United Nations to make it a success. The Secretary-General’s proposed Summit of the Future, to be convened in 2023, should be seized as an opportunity to present tangible outcomes in that regard.

27. As highlighted by the Office of the United Nations High Commissioner for Human Rights (OHCHR), the promotion and protection of human rights are integral to the peace and conflict continuum. “Human rights violations can simultaneously be a cause, trigger and consequence of violence and conflict” and, as such, they constitute “a key benchmark against which to measure progress” in sustaining peace.¹⁷ Consequently, the use of international human rights mechanisms – special procedures, treaty bodies and the universal periodic review – is another key strategic avenue towards ensuring sustainable peace, and a useful preventive tool. The Independent Expert welcomes the readiness of the Secretary-General to work with Member States “to find ways to put the human rights mechanisms on a more

¹² [A/75/982](#).

¹³ United Nations, “Secretary-General, addressing Peacebuilding Commission, says New Agenda for Peace ‘is our platform to update promise’ of saving future generations from war”, 22 October 2021.

¹⁴ [A/75/982](#), para. 88.

¹⁵ “Our Common Agenda”: summary of thematic consultations”, para. 3.2.4. Available at <https://www.un.org/pga/76/wp-content/uploads/sites/101/2022/05/Final-OCA-summary-.pdf>.

¹⁶ [A/76/668-S/2022/66](#) and [A/76/668/Corr.1-S/2022/66/Corr.1](#).

¹⁷ OHCHR, “Thematic paper: the contribution of human rights to peacebuilding and sustaining peace”, paras. 1–2.

sustainable financial footing ... and to better link them with other processes to maximize their impact and assist States parties with compliance”.¹⁸ He also welcomes the fact that, during the aforementioned consultations, Member States stressed the need for sustainable and predictable sources of financing for human rights mechanisms and the need to strengthen and make full use of existing human rights mechanisms, including the work undertaken and information gathered by special procedure mandate holders in Geneva, as well as OHCHR.¹⁹

3. Conscientious objection

28. Another issue that the Independent Expert believes should receive due attention in the context of the present report is conscientious objection to military service. Although the International Covenant on Civil and Political Rights does not recognize a right to refuse to perform military service (conscientious objection), the Human Rights Committee, in its general comment No. 22 (1993), stated that “such a right can be derived from article 18 [of the Covenant], inasmuch as the obligation to use lethal force may seriously conflict with the freedom of conscience and the right to manifest one’s religion or belief” (para. 11). From 1989, the Commission on Human Rights, and later the Human Rights Council, in its resolution 36/18, recognized “the right of everyone to have conscientious objection to military service as a legitimate exercise of the right to freedom of thought, conscience and religion, as laid down in article 18 of the Universal Declaration of Human Rights, article 18 of the International Covenant on Civil and Political Rights and Human Rights Committee general comment No. 22 (1993)”. In 2012, OHCHR issued a guidance note on conscientious objection.²⁰

29. Yet, the realization of this right continues to be impeded by several challenges identified by the OHCHR in its most recent report on the matter. They include the lack of recognition or implementation of the right to conscientious objection to military service and alternative service; repeated trial or punishment; unjust procedures during application consideration; and disproportionate length of alternative service.²¹ The Independent Expert urges all Member States to respect this important right without delay.

B. New impetus for global disarmament

30. The current tragic events in Ukraine are a powerful reminder that international peace and security in general cannot be fully secured without achieving nuclear disarmament, revitalizing the international community’s commitment to arms control and disarmament, and reducing military expenditure in favour of sustainable development. In this regard, the Human Rights Council, in its resolution 48/8 on the promotion of a democratic and international order, reaffirmed that all States should promote the establishment, maintenance and strengthening of international peace and security, and to that end should do their utmost to achieve general and complete disarmament under effective international control and to ensure that the resources released by effective disarmament measures are used for sustainable development, in particular that of developing countries (para. 11). The Independent Expert takes good note of the Secretary-General’s proposal to “work with Member States to update our vision for disarmament so as to guarantee human, national and collective security, including through broader support for non-proliferation, a world free of nuclear weapons and other weapons of mass destruction, effective control of conventional weapons and regulation of new weapons of technology”.²²

¹⁸ A/75/982, para. 129.

¹⁹ “Our Common Agenda”: summary of thematic consultations”, para. 3.1.1.

²⁰ See

<https://www.ohchr.org/sites/default/files/Documents/Issues/RuleOfLaw/ConscientiousObjection/ReportConscientiousObjectiontoMilitaryService.pdf>.

²¹ A/HRC/35/4, paras. 35–59.

²² A/75/982, para. 89 (a). Owing to the word limit, the Independent Expert cannot analyse the regulation of this last category of weapons, which is also of serious concern to him.

1. Nuclear threat

31. Nuclear weapons are without a doubt the most dangerous and inhumane weapons ever designed. Their presence in the military arsenal of some States is typically justified by the policy of so-called nuclear deterrence to keep peace. However, due to the catastrophic humanitarian consequences they possibly entail, they fundamentally constitute an inherent or potential threat to the very existence of humanity. In the words of the High Representative for Disarmament Affairs, “the only guarantee against the use of nuclear weapons is their total elimination”.²³

32. The nuclear threat has been an issue of acute concern to the international community for decades. Between 1965 and 1968, the Treaty on the Non-Proliferation of Nuclear Weapons was negotiated. It was opened for signature in 1968 and entered into force in 1970. The objective of the Treaty is to prevent the spread of nuclear weapons and weapons technology, to promote cooperation in the peaceful uses of nuclear energy and to further the goal of achieving nuclear disarmament and general and complete disarmament. A total of 191 States have joined the Treaty, including the five nuclear-weapon States.²⁴

33. The General Assembly has passed numerous resolutions on this topic since 1946, paving the way for the convening in 2017 of a United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination. At the end of the conference, the Treaty on the Prohibition of Nuclear Weapons was adopted, with a vote of 122 States in favour, one vote against and one abstention. The instrument entered into force in January 2021. At the time of drafting the present report, 63 Member States had ratified the treaty and 3 had acceded to it.²⁵ This was a remarkable achievement, mainly thanks to the work of a coalition of non-governmental organizations – the 2017 Nobel Peace Prize laureate International Campaign to Abolish Nuclear Weapons – which provided the impulsion for the negotiations on, and led to the eventual adoption of, the Treaty.

34. Article 1 of the Treaty on the Prohibition of Nuclear Weapons lists a series of prohibited nuclear weapon-related activities, such as those whose objective is to develop, test, produce, acquire, possess, stockpile, use or threaten to use nuclear weapons or other nuclear explosive devices.²⁶ This key provision and more generally, the very purpose of the treaty, are currently more relevant than ever.

35. On 3 January 2022, the leaders of the five permanent members of the Security Council of the United Nations issued a joint statement on preventing nuclear war and avoiding arms races. In the statement, they affirmed that a nuclear war could not be won and must never be fought, and that nuclear weapons – for as long as they continue to exist – should serve defensive purposes, deter aggression and prevent war.²⁷ On 27 February 2022, the Russian Federation ordered its nuclear weapons to be put on high alert. On 14 March 2022, the Secretary-General, in his opening remarks to the press on the war in Ukraine, called the raising of the alert of Russian nuclear forces a “bone-chilling development”, adding that “the prospect of nuclear conflict, once unthinkable, is now back within the realm of possibility”.²⁸

²³ Izumi Nakamitsu, High Representative for Disarmament Affairs, statement made at the Treaty on the Prohibition of Nuclear Weapons signature and ratification ceremony, New York, 26 September 2019. Available at <https://www.un.org/disarmament/hrstatement-2019/>

²⁴ See <https://www.un.org/disarmament/wmd/nuclear/npt/#:~:text=The%20NPT%20is%20a%20landmark,and%20general%20and%20complete%20disarmament.>

²⁵ See <https://treaties.unoda.org/t/tpnw>.

²⁶ A/CONF.229/2017/8, art. 1 (a) and (d).

²⁷ See https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1044540/Joint_Statement_Of_the_Leaders_of_the_Five_Nuclear_Weapon_States_On_Preventing_Nuclear_War_and_Avoiding_Arms_Races.pdf.

²⁸ See <https://www.un.org/sg/en/content/sg/speeches/2022-03-14/opening-remarks-the-press-the-war-ukraine%20A0#:~:text=bone%2Dchilling%20development.,The%20prospect%20of%20nuclear%20conflict%2C%20once%20unthinkable%2C%20is%20now%20back,path%20of%20diplomacy%20and%20peace.>

36. The Independent Expert believes that this latest distressing development highlights the utmost necessity to effectively eliminate all nuclear weapons and other weapons of mass destruction.²⁹ To this end, he urges all Member States to ratify the Treaty on the Prohibition of Nuclear Weapons, with the goal of universal State adherence to this instrument. Furthermore, the Treaty on the Non-Proliferation of Nuclear Weapons should be implemented faithfully. He is encouraged by the outcome of the first meeting of the States parties to the Treaty on the Prohibition of Nuclear Weapons, which took place from 21 to 23 June 2022 and at the end of which a political declaration and action plan were adopted, which are “important steps toward [the international community’s] shared goal of a world free of nuclear weapons”.³⁰

2. Arms control and disarmament

37. Article 26 of the Charter of the United Nations provides that: “In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world’s human and economic resources, the Security Council shall be responsible for formulating ... plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.” This important provision entrusts the Security Council with the responsibility of enforcing disarmament and redirecting resources away from military security and towards human security. However, a system for the regulation of armaments is yet to be set up. This prompted in 1978 the convening by the General Assembly of the [tenth special session of the General Assembly](#) devoted to disarmament, at the end of which a Programme of Action was adopted, outlining priorities and measures in disarmament to be taken.³¹ As a result, the First Committee of the General Assembly (the Disarmament and International Security Committee), the Disarmament Commission and the Conference on Disarmament were tasked with undertaking the assignment described in Article 26, although not specifically mandated to do so.³² Unfortunately, all these bodies have failed to achieve that task, and dialogue on it has stalled for a significant amount of time. The Programme of Action is yet to be implemented.

38. The First Committee deals with disarmament, global challenges and threats to peace that affect the international community and seeks out solutions to the challenges in the international security regime.³³ While in principle it allows Member States to discuss key issues pertaining to security arrangements, in practice some Member States do not acknowledge meaningfully other States’ approaches on these matters, and therefore the First Committee has become a forum where the same 40 to 50 resolutions are tabled and adopted year after year.³⁴

39. The Disarmament Commission, a deliberative subsidiary body of the General Assembly, composed of all States Members of the United Nations, is mandated to make recommendations on various disarmament issues to the General Assembly and to follow up on the relevant decisions and recommendations of the tenth special session. It reports annually to the General Assembly.³⁵ The Disarmament Commission focuses on a limited number of agenda items at each session: from four in 1989 to two since 2000, during a three-year cycle. For the past decade, the Disarmament Commission has been unable to adopt recommendations at the end of each cycle owing to divergences of governmental views on issues of international security and disarmament.³⁶

40. The Conference on Disarmament is the single multilateral disarmament negotiating forum of the international community. It deals with the following topics: cessation of the nuclear arms race and nuclear disarmament; prevention of nuclear war, including all related

²⁹ See also the submissions of Mauritius and the Bahrain Transparency Society.

³⁰ See <https://www.un.org/sg/en/content/sg/statement/2022-06-27/statement-attributable-the-spokesperson-for-the-secretary-general-the-conclusion-of-the-first-meeting-of-states-parties-the-treaty-the-prohibition-of-nuclear-weapons>.

³¹ General Assembly resolution S-10/2, sect. III.

³² Reaching Critical Will, “Article 26 of the UN Charter” (accessed 29 July 2022).

³³ See <https://www.un.org/en/ga/first/>.

³⁴ Reaching Critical Will, “UN General Assembly First Committee” (accessed 29 July 2022).

³⁵ See <https://www.un.org/disarmament/institutions/disarmament-commission/>.

³⁶ Reaching Critical Will, “United Nations Disarmament Commission” (accessed 29 July 2022).

matters; prevention of an arms race in outer space; effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons; new types of weapons of mass destruction and new systems of such weapons; radiological weapons; comprehensive programme of disarmament; and transparency in armaments. It is comprised of 65 member States, including the five nuclear-weapon States defined as such under the Treaty on the Non-Proliferation of Nuclear Weapons and 60 other States of key military significance. A number of non-member States also participate in the work of the Conference.³⁷ However, due to major dissenting political views on the issues at stake, the last agreement the Conference reached dates back to 1996 (the Comprehensive Nuclear-Test-Ban Treaty) and it has not adopted a programme of work since 1999. In 2010, the Secretary-General convened a high-level meeting on revitalizing the work of the Conference on Disarmament and taking forward multilateral disarmament negotiations, and since then, the issue of revitalization has been on the agenda of the General Assembly. The Conference has, in effect, been in a state of paralysis, which the Independent Expert deeply regrets because of the important role it has played in the past (such as the adoption of the Treaty on the Non-Proliferation of Nuclear Weapons) and should actively play in the future. The fact that the Treaty on the Prohibition of Nuclear Weapons and the Arms Trade Treaty were adopted outside the framework of the Conference is testimony to the deadlock in which it currently finds itself.

41. It is essential to unlock the programme of work. While the topics have been adopted by the General Assembly and the member States of the Conference, the problem resides in how to implement the programme of work, including the choice of topics with which to begin.³⁸ The Independent Expert sees as encouraging the decision on the work of the Conference on Disarmament for 2022, adopted on 22 February 2022, in which the Conference decided to establish five subsidiary bodies to advance the substantive work on all agenda items in a comprehensive and balanced manner.³⁹ He is also aware that the rule of consensus for decision-making has proven to be particularly problematic as it has been invoked largely to block any progress. Unless this type of decision-making can be changed, which seems unlikely, it should be understood among member States of the Conference that the consensus rule applies only in the context of actual substantive negotiations and decisions on the mandate for those negotiations, and that decisions setting the procedural parameters for those negotiations will be governed by a general agreement approach, namely, the absence of any persistent objection.⁴⁰ It is the hope of the Independent Expert that member States will have the wisdom to effectively revitalize the Conference on Disarmament, or rather revive it.⁴¹

42. It is also worth noting that the Treaty on the Non-Proliferation of Nuclear Weapons, in its article VI, provides that: “Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.” During the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in 2000, all States parties agreed to 13 practical steps to disarmament. However, to date, no progress has been made on the implementation of those steps.⁴² The tenth Review Conference is due to take place from 1 to 26 August 2022, and it is the hope of the Independent Expert that it will be an opportunity for States parties to at last achieve tangible progress. The current state of affairs obliges them to do so more than ever. In this regard, he endorses the joint statement made by over 90 civil society organizations to the States parties to the Treaty ahead of the forthcoming review conference, urging them to “move beyond bitter politicisation and to

³⁷ See <https://www.un.org/disarmament/conference-on-disarmament/>.

³⁸ Kasmira Jefford, “Geneva disarmament talks: same problems, different outcome?”, Geneva Solutions, 19 May 2022. See also United Nations Institute for Disarmament Research, “The Conference on Disarmament: issues and insights” (New York and Geneva, 2012).

³⁹ CD/2229, para. 1.

⁴⁰ United Nations Institute for Disarmament Research, “The Conference on Disarmament: issues and insights”.

⁴¹ See the submission of the Center for Global Nonkilling.

⁴² Reaching Critical Will, “Article 26 of the UN Charter” (accessed 29 July 2022).

work together to build majority support for a plan of action to advance the NPT's Article VI goals, create much needed momentum for further progress on disarmament, and save humanity from the scourge of nuclear war".⁴³

43. Another key instrument in the area of disarmament is the Arms Trade Treaty, which regulates the international trade in conventional arms and seeks to prevent and eradicate illicit trade and diversion of conventional arms by establishing international standards governing arms transfers. It was adopted by the General Assembly in 2013 and entered into force on 24 December 2014. As at July 2022, 111 States had ratified the Treaty and 30 had signed it.⁴⁴ While the Treaty constitutes a significant achievement, a number of issues need to be addressed to ensure its sustained relevance. First of all, the participation of States in the Treaty is unbalanced geographically (several States in Africa, Asia and the Middle East are yet to accede to the Treaty) and the top exporters of conventional arms and major importers have not joined the Treaty. In addition, several States parties to the Treaty are not paying their assessed contributions, putting at risk the financial health of the Treaty. Furthermore, in recent years, a number of States have not respected their reporting obligations, while others have increasingly resorted to submitting confidential reports. Lastly, and perhaps most concerning, many non-governmental organizations have questioned the effective implementation by States parties of the prohibitions and risk-assessment criteria under articles 6 and 7 of the Treaty.⁴⁵ This assessment was corroborated by the President of the International Committee of the Red Cross, who expressed his grave concern about the apparent disparity between the Treaty's obligation to ensure respect for international humanitarian law in arms transfer decisions and the arms transfer practices of too many States, which in his view called into question the Treaty's credibility and effectiveness.⁴⁶ The Independent Expert finds this situation troubling, especially in light of the importance of the Treaty. He urges all Member States to ratify the Treaty without delay, in particular the top exporters and major importers of arms; to make their financial contributions on time; to meet their reporting obligation; and, most importantly, to implement all the provisions of the Treaty.

44. Overall, the Independent Expert believes that it is essential, more than ever, that all the treaties and bodies which have become static over the years be revitalized and that related negotiations take place in good faith.⁴⁷ A new impetus must be injected urgently. In this regard, the Independent Expert supports the idea, included in one of the submissions received in preparation for the present report, of establishing regular United Nations peace conferences, using the momentum of Our Common Agenda, following the model of the Conference of the Parties to the Framework Convention on Climate Change. Such conferences, which would allow the participation of all relevant stakeholders, in particular civil society, would be an opportunity to, inter alia, review progress on arms control treaties and provide scope for intergovernmental agreements,⁴⁸ among other possible options.

3. Reducing military expenditure

45. In April 2022, for the first time, the world military expenditure passed \$2 trillion (\$2,113 billion to be more accurate), with an increase of 0.7 per cent in real terms in 2021. The five largest spenders in 2021 accounted for 62 per cent of expenditure.⁴⁹ The Independent Expert finds this astronomical figure particularly confounding, especially as the world is still

⁴³ See https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/revcon2022/ngo-materials/joint-ngo-npt-statement_Jan2022.pdf.

⁴⁴ See <https://thearmstradetreaty.org/>.

⁴⁵ Andrea Edoardo Varisco, Giovanna Maletta and Lucile Robin, *Taking Stock of the Arms Trade Treaty: Achievements, Challenges and Ways Forward* (Stockholm, Stockholm International Peace Research Institute, December 2021).

⁴⁶ Peter Maurer, President of the International Committee of the Red Cross, statement to the sixth conference of States parties to the Arms Trade Treaty, Geneva, 17 August 2020.

⁴⁷ See the submissions of the International Trade Union Confederation, Alfred de Zayas, the Bahrain Transparency Society and the Center for Global Nonkilling.

⁴⁸ See the submission of the International Trade Union Confederation.

⁴⁹ Stockholm International Peace Research Institute, "World military expenditure passes \$2 trillion for first time", 25 April 2022.

struggling with the COVID-19 pandemic, while in the midst of economic recovery, among many other pressing challenges throughout the world.

46. The General Assembly, in its resolutions on the relationship between disarmament and development, has repeatedly urged the international community to devote part of the resources made available by the implementation of disarmament and arms limitation agreements to economic and social development, with a view to reducing the ever-widening gap between developed and developing countries.⁵⁰

47. In this regard, the Independent Expert refers to the report of his predecessor on the adverse impacts of military spending on the realization of a democratic and equitable international order.⁵¹ In that report, the previous mandate holder analysed the rationale behind military expenditures, which are often concealed, attributing them to “national security”, and shrouded in secrecy. He recommended, *inter alia*, that States significantly reduce military spending and develop conversion strategies to reorient resources towards social services, the creation of employment in peaceful industries, and greater support to the post-2015 development agenda; individually and multilaterally devote savings released from reduced military spending to resourcing the economic and social transition required to respond to the global climate change challenge; and proactively inform their populations of military expenditures and encourage public participation in determining budgetary priorities.⁵² A similar set of recommendations, contained in one of the submissions received in preparation for the present report, is worth highlighting. The first recommendation was to use the reduction in military spending to generate a “global peace dividend” to fund the achievement of the Sustainable Development Goals, the United Nations peacebuilding architecture and a just transition to climate-friendly jobs (abolishing nuclear weapons is estimated to release more than \$72 billion annually). A further recommendation was to convene a special session of the General Assembly on the topic of disarmament in 2023 or 2024 to make a global commitment to reduce military expenditure by 2 per cent per year.⁵³

48. The Independent Expert fully supports these well-founded recommendations, which he believes, if implemented, will ultimately lower substantively levels of violence and instability across the globe. It will take courage to confront the powerful military-industrial consortiums and it will require a deep shift in mindset and culture for those Governments that have invested colossal sums of money in technological and human resources for their respective military forces.⁵⁴

C. Structural reform of some key United Nations bodies

49. Addressing challenges to international peace and security also means undertaking long-overdue reform of some key United Nations bodies. In their declaration on the commemoration of the seventy-fifth anniversary of the United Nations, Member States committed, *inter alia*, to instil new life in the discussions on the reform of the Security Council and continue the work to revitalize the General Assembly. They also pledged their full support to the review of the peacebuilding architecture.⁵⁵

1. Security Council

50. The use of the veto by the Russian Federation on 26 February 2022 in the Security Council to block a resolution, co-sponsored by 82 States, demanding the immediate cessation of the Russian attack on Ukraine and the withdrawal of its troops⁵⁶ is highly symptomatic of

⁵⁰ Most recently, the General Assembly adopted resolution 76/37, para. 3.

⁵¹ [A/HRC/27/51](#).

⁵² *Ibid.*, paras. 70–71.

⁵³ See the submission of the International Trade Union Confederation.

⁵⁴ See the submission of the Center for Global for Nonkilling.

⁵⁵ General Assembly resolution 75/1, para. 14.

⁵⁶ The Secretary-General stated after the vote that “We must give peace another chance”. See <https://news.un.org/en/story/2022/02/1112802>.

the level of dysfunction in the most powerful body within the United Nations architecture, and underlines the urgent need to reform it.

51. As a result, the General Assembly convened an emergency special session under its resolution 377 (V), known as the “Uniting for peace” resolution, which provides that, if the Security Council fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly should consider the matter immediately with a view to making appropriate recommendations to Members for collective measures to maintain or restore international peace and security (para. 1). The use of this resolution for the first time in 40 years is testimony to the Security Council’s inability to discharge its mandate.

52. In *Our Common Agenda*, the Secretary-General stressed the need to adapt the United Nations to a new era. He referred to the consensus among Member States that the Security Council could be made more representative of the twenty-first century, such as through enlargement.⁵⁷ Clearly, the current composition of the Council does not represent today’s geopolitical realities or United Nations membership, which have both changed drastically since the establishment of the Council in 1945. The five permanent members of the Council represent only 26 per cent of the world’s population and a mere 3 per cent of United Nations membership, and there are no permanent members from Africa, Latin America or the Middle East.⁵⁸ Various models have been proposed to achieve a democratic composition of this body, and it is the hope of the Independent Expert that a fair and democratic model will ultimately be adopted.

53. In addition, the working methods of the Security Council need to be changed, specifically the use of the veto by a permanent Council member. The Independent Expert recalls that during the United Nations Conference on International Organization (the San Francisco Conference) in 1945, the States that would later become the permanent Security Council members committed in a joint declaration not to use the veto to block the functioning of the Council. This commitment has regrettably not been fulfilled. Since the Council’s establishment, the veto has been used almost 300 times.⁵⁹ For instance, the United States of America has vetoed resolutions critical of Israel on numerous occasions. On 26 April 2022, the General Assembly adopted by consensus an important resolution governing the use of the veto. In resolution 76/262, co-sponsored by 83 States, the General Assembly decided that the President of the General Assembly should convene a formal meeting of the General Assembly within 10 working days of the casting of a veto by one or more permanent members of the Security Council, to hold a debate on the situation as to which the veto was cast (para. 1). It also decided, on an exceptional basis, to accord precedence in the list of speakers to the permanent member or permanent members of the Security Council having cast a veto (para. 2). The Independent Expert welcomes these decisions, as they provide some degree of accountability for the abusive use of the veto. It will not deter permanent Council members from using the veto, as this is still their prerogative pursuant to the Charter of the United Nations, but it will hopefully instil a greater sense of responsibility whenever members resort to exercising that prerogative. The use of the veto should always be in accordance with the purposes and principles of the United Nations, pursuant to Article 24 (2) of the Charter.⁶⁰

54. The other areas of proposed reform include strengthening the inclusiveness and legitimacy of the Security Council by systematically consulting a broader range of actors, including regional organizations; and expanding the use of informal mechanisms, such as Arria-formula meetings, to advance sensitive issues.⁶¹ The Independent Expert supports these

⁵⁷ A/75/982, paras. 126–127. See also the submission of Mauritius.

⁵⁸ Stimson Center, *Beyond UN75: a Roadmap for Inclusive, Networked & Effective Global Governance* (Washington, D.C., June 2021), pp. 59–60. See also the submission of Malawi.

⁵⁹ See <https://research.un.org/en/docs/sc/quick>. See also the submission of Nigel D. White.

⁶⁰ The former mandate holder stated that the power to use the veto to shield States from criticism or sanctions was illegitimate, and that it might require an advisory opinion from the International Court of Justice or an amendment of Article 27 of the Charter of the United Nations (A/HRC/37/63, para. 41). A group of small States has long voiced opposition to the veto prerogative of the permanent Council members.

⁶¹ A/75/982, para. 127.

proposals and suggests going further by seeking the meaningful participation in the deliberations the Security Council of other stakeholders with expertise on the topic at stake, in particular representatives of civil society organizations. That would effectively move beyond the current convening of ad hoc Arria-formula meetings to a structured consultative process.⁶²

55. During the aforementioned thematic consultations with Member States on the proposals included in Our Common Agenda, Member States reaffirmed the importance of intergovernmental negotiations on Security Council reform and reiterated their commitments made during the seventy-fifth anniversary of the United Nations. Furthermore, the President of the General Assembly will continue to support this reform process,⁶³ which the Independent Expert welcomes. It is high time that the Security Council became more democratic, representative, effective, transparent and accountable, in order to align it with the realities of today.

2. General Assembly

56. The revitalization of the General Assembly has been an issue for discussion since the sixtieth session of the Assembly, with interest renewed by re-establishing in 2021 an Ad Hoc Working Group on the Revitalization of the Work of the General Assembly for two years. The four main thematic issues on which the Working Group will focus are the role and authority of the General Assembly; the working methods of the General Assembly; strengthening the accountability, transparency and institutional memory of the Office of the President of the Assembly; and the selection and appointment of the Secretary-General and other executive heads.⁶⁴

57. Owing to the possible deadlock at the Security Council as a result of the use of the veto, it is important that the General Assembly, the only universally representative body in the United Nations system, be able to exercise a greater role in decision-making.⁶⁵ Hence the need to revitalize this body. Member States recognized the need to continue working towards this goal during the aforementioned thematic consultations.⁶⁶ The Independent Expert supports the recommendations made over the years to improve coordination between the Presidents of the Security Council and the General Assembly, to more consistently implement General Assembly resolutions while reducing their length and number, to increase the visibility of the work of the Assembly, to hold thematic debates on critical topics with the participation of experts and national policymakers, and more generally to engage on a systematic basis with non-State actors, including representatives of civil society, academia and the private sector.⁶⁷

3. Peacebuilding Commission and Peacebuilding Fund

58. The Peacebuilding Commission and the Peacebuilding Fund are essential components of the United Nations peacebuilding architecture. The Commission is an intergovernmental advisory body that supports peace efforts in conflict-affected countries,⁶⁸ while the Fund is the United Nations financial instrument of first resort to sustain peace in countries or situations at risk or affected by violent conflict.⁶⁹

59. In Our Common Agenda, the Secretary-General, when detailing his proposed new agenda for peace, suggested “expanding the role of the Commission to more geographical and substantive settings, as well as to addressing the cross-cutting issues of security, climate change, health, gender equality, development and human rights from a prevention

⁶² Stimson Center, *Beyond UN75*, p. 61.

⁶³ “Our Common Agenda”: summary of thematic consultations”, para. 5.2.8.

⁶⁴ See <https://www.un.org/en/ga/revitalization/index.shtml>.

⁶⁵ A/HRC/24/38, para. 55 (b). See also the submission of the International Trade Union Confederation.

⁶⁶ “Our Common Agenda”: summary of thematic consultations”, para. 5.2.8.

⁶⁷ See <https://centerforunreform.org/revitalization-of-the-general-assembly/>. See also the submission of Malawi.

⁶⁸ See <https://www.un.org/peacebuilding/commission>.

⁶⁹ See <https://www.un.org/peacebuilding/content/fund>.

perspective”.⁷⁰ During the thematic consultations on the present report, some Member States welcomed this expansion, while others deemed it more appropriate to make use of the existing potential and functions of the Peacebuilding Commission.⁷¹ The Independent Expert supports the Secretary-General’s suggestion, as a silo approach is not effective when addressing pressing cross-cutting issues. The Commission is indeed well placed to address substantively such issues.⁷²

60. The Secretary-General also made a plea to Member States to more adequately fund those two bodies, so that they can discharge their mandates while facing increasing demand.⁷³ The Independent Experts echoes that plea.

4. International Court of Justice

61. The current conflict in Ukraine also highlights weaknesses inherent in the mandate of the International Court of Justice. On 26 February 2022, the Government of Ukraine filed an application before the International Court of Justice instituting proceedings against the Russian Federation concerning a dispute relating to the interpretation, application and fulfilment of the Convention on the Prevention and Punishment of the Crime of Genocide. Ukraine contended that the Russian Federation had falsely claimed that acts of genocide had occurred in Ukraine in an attempt to justify its invasion of the country, and requested that the Court order provisional measures, in particular an immediate suspension of military operations. On 7 March 2022, the Russian Federation asserted that the Court lacked jurisdiction to consider the case. On 16 March 2022, the Court decided that: (a) “The Russian Federation shall immediately suspend the military operations that it commenced on 24 February 2022 in the territory of Ukraine”; (b) “The Russian Federation shall ensure that any military or irregular armed units which may be directed or supported by it, as well as any organizations and persons which may be subject to its control or direction, take no steps in furtherance of the military operations referred to ... above”; and (c) “Both Parties shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve.”⁷⁴

62. This is not an isolated case. For instance, when requested by the General Assembly to provide an advisory opinion on the legal consequences arising from the construction of the wall being built by Israel in the Occupied Palestinian Territory, the International Court of Justice concluded that Israel could not rely on a right of self-defence or on a state of necessity in order to preclude the wrongfulness of the construction of the wall, and that such construction and its associated regime were accordingly contrary to international law.⁷⁵ The wall still stands today.

63. These situations exemplify the problem of the voluntary participation of States, which must consent to follow the jurisdiction of the Court, and the lack of binding force of the Court’s decisions. The Independent Expert finds this situation highly problematic and echoes the recommendation of the Secretary-General, made in his proposed global road map for the development and effective implementation of international law, for States to accept the compulsory jurisdiction of the International Court of Justice and to withdraw reservations to treaty clauses relating to the exercise of its jurisdiction.⁷⁶ He shares the view of his predecessor that a mechanism to enforce the Court’s judgments should be put in place and that the Court should be given the authority to issue advisory opinions without being asked to do so by the Security Council or the General Assembly.⁷⁷

⁷⁰ A/75/982, para. 89 (d).

⁷¹ “Our Common Agenda”: summary of thematic consultations, para. 5.2.8.

⁷² See also the submission of the International Trade Union Confederation.

⁷³ A/75/982, para. 89 (d).

⁷⁴ International Court of Justice, *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*, Request for the indication of provisional measures, 16 March 2022 (summary 2022/2), pp. 1 and 8.

⁷⁵ International Court of Justice, “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory: overview of the case” (2004). Available at <https://www.icj-cij.org/en/case/131>.

⁷⁶ A/75/982, para. 96. See also the submission of the Center for Global Nonkilling.

⁷⁷ A/HRC/37/63, para. 39.

5. Overall inclusive governance

64. The Independent Expert reiterates that, in order to address successfully the challenges facing international peace and security and all other global challenges, including the current COVID-19 pandemic and climate change, it is vital that the views of people throughout the world, including members of ethnic and religious minorities, indigenous peoples, land rights and environmental defenders, young people, children, migrants, refugees, asylum-seekers and stateless persons, persons with disabilities, older persons, women, and lesbian, gay, bisexual, transgender and intersex persons, can be articulated and heard clearly in global affairs. He underlines the critical importance of mechanisms through which civil society can participate and contribute in a safe and meaningful manner. To this end, people should be more effectively and directly included, and allowed to better participate, in the activities of the United Nations.⁷⁸ This observation is in line with the commitment expressed by Member States to have renewed inclusive multilateralism, also advocated by the Secretary-General.

65. In this regard, the Independent Expert reiterates his full support, expressed in his previous report,⁷⁹ for the We the Peoples campaign to make the United Nations more open, participatory and representative, with a view to ensuring that its responses both to the ongoing and to future global challenges are more effective. This campaign calls for three institutional changes: (a) the creation of a United Nations parliamentary assembly or a world parliamentary assembly that allows for the inclusion of elected representatives in setting the agenda and the decision-making of the United Nations; (b) the creation of a world citizen's initiative, which would enable people to put forward proposals on key issues of global concern for discussion and action at the highest political level; and (c) the appointment of a high-level United Nations civil society envoy, who would act as a central liaison point in the United Nations system and would be tasked with identifying and challenging barriers to participation, pushing for more inclusive convening processes and driving United Nations outreach to civil society and the public.⁸⁰ The Independent Expert believes that the introduction of such changes would allow direct key contributions to be made towards ensuring international peace and security.

IV. Conclusion and recommendations

66. **At this time of great turmoil, marked by a highly volatile international peace and security situation which endangers the realization of a democratic and equitable international order, respect for the right to peace and for international law in general must be absolute.**

67. **Multilateralism through dialogue, diplomacy and negotiation, and based on collective responsibility, is the sole path for solving conflicts and maintaining international peace and security. To this end, the sanctity of the Charter of the United Nations must be preserved and upheld. It must be stressed that the permanent members of the Security Council have a special responsibility towards maintaining peace and security.**

68. **It is hoped that the gravity of the situation will provide much-needed impetus to find solutions to long-standing issues relating to international peace and security, including global disarmament and structural reform of key United Nations bodies concerned with this matter. The momentum gathered around the Secretary-General's important report, Our Common Agenda, is encouraging, and the sound proposals it contains should be used to make tangible progress in all areas. Unwavering multilateral engagement is indeed needed to overcome all the global challenges facing mankind. To this end, an inclusive approach is fundamental in seeking and taking into account the views of all stakeholders, including by ensuring meaningful and safe civil society participation.**

⁷⁸ See the submissions of CIVICUS and the International Trade Union Confederation. See also United Nations, "Guidance note: protection and promotion of civic space" (September 2020).

⁷⁹ A/HRC/48/58, paras. 56–60.

⁸⁰ See www.wethepeoples.org.

69. In the spirit of continuing the constructive dialogue that he has held with various stakeholders since the beginning of his tenure, the Independent Expert wishes to make the following general recommendations, in addition to the observations made in the body of the report.

70. The Independent Expert recommends that Member States, in their individual capacity and as members of intergovernmental institutions and bodies, undertake to:

(a) Abide by the Charter of the United Nations, including by settling their international disputes by peaceful means and refraining in their international relations from the threat or use of force;

(b) Uphold the Declaration on the Right to Peace, the Programme of Action on a Culture of Peace, the General Assembly resolutions on a culture of peace and all other relevant United Nations resolutions;

(c) Abide by the Secretary-General's call for a global ceasefire in all corners of the world;

(d) Endorse and implement the Secretary-General's proposed new agenda for peace;

(e) Ensure adequate, predictable and sustained financing for peacebuilding;

(f) Respect the right to conscientious objection to military service without delay;

(g) Fully cooperate with international human rights mechanisms, namely, the special procedures of the Human Rights Council, the treaty bodies and the universal periodic review, and adequately fund them;

(h) Ratify the Treaty on the Prohibition of Nuclear Weapons, the Treaty on the Non-Proliferation of Nuclear Weapons, the Arms Trade Treaty and other disarmament-related treaties, implement them faithfully, and with regard to the Arms Trade Treaty, make their financial contributions on time and meet their reporting obligations;

(i) Revitalize the Disarmament Commission and the Conference on Disarmament;

(j) Reduce significantly military spending and reinvest in social and economic development, responses to global climate change and the United Nations peacebuilding architecture;

(k) Proactively inform their populations of military expenditures and encourage public participation in determining budgetary priorities;

(l) Convene regular United Nations peace conferences to review progress on arms control treaties and provide scope for intergovernmental agreements, among other possible features;

(m) Reform the Security Council to make it more democratic, representative, effective, transparent and accountable, and hold formal, structured consultations with external stakeholders, in particular civil society organizations;

(n) For permanent members of the Security Council, use the veto in accordance with the purposes and principles of the United Nations;

(o) Revitalize the General Assembly, improve coordination between the Presidents of the Security Council and the General Assembly, implement more consistently the Assembly resolutions while reducing their length and number, increase the visibility of the Assembly's work, hold thematic debates on critical topics with the participation of experts and national policymakers, and more generally engage on a systematic basis with non-State actors, including representatives of civil society, academia and the private sector;

(p) Expand the role of the Peacebuilding Commission so as to address issues of security, climate change, health, gender equality, development and human rights;

(q) **Adequately fund the Peacebuilding Commission and the Peacebuilding Fund;**

(r) **Accept the compulsory jurisdiction of the International Court of Justice and withdraw reservations to treaty clauses relating to the exercise of its jurisdiction.**

71. **The Independent Expert recommends that the United Nations:**

(a) **Continue its critical work in relation to sustaining peace, preventing conflict, peacebuilding and global disarmament;**

(b) **Continue and strengthen its efforts to ensure the inclusive and effective participation of civil society in United Nations processes;**

(c) **Discuss threats to global peace and security and the realization of a democratic and equitable international order in the context of the Summit of the Future, to be convened in 2023.**

72. **The Independent Expert recommends that civil society actors:**

(a) **Continue their essential work to maintain and strengthen international peace and security;**

(b) **Seek and seize all opportunities to engage in the framework of Our Common Agenda;**

(c) **Continue actively participating, or seeking to participate, in global governance processes in general.**
