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INDEPENDENT EXPERT ON THE PROMOTION OF A DEMOCRATIC AND EQUITABLE INTERNATIONAL ORDER-LIVINGSTONE SEWANYANA

“Main obstacles to the maintaining and strengthening of international peace and security at the global level from the perspective of my mandate and ways to overcome them”.

- i. What are the main challenges to maintaining and strengthening international peace and security at the global level for instance in relation to needed structural reforms of United Nations organs, global disarmament, the realization of the right to peace, accountability etc.?
 - a. Needed structural reforms of United Nations organs: It is current learning in the world of international law and diplomacy that the United Nations ought to be reformed to reflect, the world, in terms military and nuclear might and size the of economies around the world. It is our view however, that no matter how laudable or attractive the calls for reforms are, they are not to be heeded, because of the lessons learnt from the inertia of the League of Nations, in preventing WW II. The global order is a reflection of our world in 1945, when the United Nations Charter was famed. The victors of WWII to center stage in becoming the guarantors of peace and security around the world. They became permanent members of the United Nations Security Council, with a right of Veto. It is quite strange or by accident of history the fifth member of the Security Council is China, not a victor in 1945, but is the world’s most populous country and a rising geo-political power and global hegemon. In our view it is this structure that has served as containment and restraint with respect to the situation in Ukraine, involving Russia, a permanent member of the Security Council of the United Nations. The Losers of WWII namely the axis powers of Japan, Germany and Italy, at least with the first two Japan and Germany have sizeable economies and are indeed an economic success and are for that reason making a claim for permanent seats, with or without veto on the Security Council. Nuclear and the world’s second most populous country, India and Africa’s most populous country, Nigeria and South America most populous country and economic power house Brazil have all made claims to a permanent seat of the Security Council, with or without the veto power. This claims if heeded to in my view will make the Security Council unwieldly and bring inertia, something, that ought to be avoided, especially in repeating the weaknesses of the League of Nations. As part of the terms for ending WWII, the United States has military bases in Germany, Japan and Italy, a reflection of the state of affairs that birthed the United Nations.

Indeed, an argument can be made that the state of affairs has changed, and new friendships and alliances, such as NATO has been formed but we must never forget that until the status quo in our world should change, it is the 1945 architecture that holds sway.

We must never forget that at least three of the permanent five namely United States, Russia and China have a global military capability and deployment. The last two France and England have global reach through the former colonies and directly administered territories and islands around the world.

All five permanent members of the Security Council have a nuclear capability, which in itself carries with it responsibility and deterrence, a quality becoming of guarantors of global peace and security.

- b. Global disarmament- This is a topical issue because countries outside the five permanent members of the Security Council have acquired or can acquire nuclear capability. Countries such as Israel, India and Pakistan have acquired nuclear capability and Iran and North Korea are trying to acquire nuclear capability.

If there be any reform within the United Nations then it is the need to create a Nuclear Capability Council, to which the permanent five and all countries known or unknown who have nuclear capability will belong to.

This Council will determine and regulate the standards of nuclear armaments, their proliferation and provide guidance for non- proliferation on the black market and also determine all protocols and thresholds for nuclear deployment.

Atomic and Nuclear fission science is here with us, and to now talk of general disarmament is anyone's pipe dream.

However, the Security Council in its present form must remain as testimony to enduring faith in the architecture fashioned out in the last seven decades. The permanent five of the Security Council remain the only countries currently, with global military and nuclear capability and deployment.

- c. Realization of the right to peace- This right in my estimation is an inalienable right of a people to reasonable expectation to a respectable prospect to life and longevity. The overwhelming majority of countries in the comity of nations are peace loving and have no aspirations of a nuclear capability save for peaceful purposes such as electricity generation.

So, it is to this right that countries with nuclear capability have a sacred responsibility to observe at all times the protocols and thresholds for nuclear deployment.

- d. Accountability: For purposes of Accountability that the Security Council remains the guarantor of global peace and security. Therefore, it is to the Security Council, that the proposed Nuclear Capability Council must be accountable to. From the conflict in Ukraine, it has come to the fore that the permanent five must sign a pact to avoid engaging directly militarily and the use of nuclear weapons, as a sign of respect for the realization of the right to peace by the overwhelming majority of the members of the Comity of Nations.

- ii. What solutions do you deem necessary to overcome those challenges?

To assuage the aspirations of countries such as Germany, Japan, India, Brazil and Nigeria who aspire to permanent membership of the Security Council is to adopt the FIFA system of determining the group stages of the World Cup, by ensuring they would enjoy automatic election to five slots on the ten vacancies at all time and the rest of the countries will vie for

the remaining five seats. This arrangement must be in recognition of their share of the world economy and the fact that they are populous and thus a significant representation of mankind at all times.

But for quality assurance purposes the membership of the Security Council must remain fifteen in total number.

iii. What particular issue relevant to this topic would you like to bring attention to?

The two issues germane to a continued peaceful world order is effect of climate change and the access to fresh clean water for mankind. These two issues may if not properly looked out may be the source of war in the world thus disturbing world peace and security.

These views are my personal and professional view points but are offered for and on behalf of the Office of the Attorney-General and Ministry of Justice of the Republic of Ghana.

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