

Statement by Mr. Abdul Hameed, Counsellor,
Permanent Mission of Pakistan to the United Nations
on Agenda Item 83: The Rule of Law at National and International Levels
(New York, 10 October 2012)

Mr. Chairman,

My delegation aligns itself with the statement made by the distinguished representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

We thank the United Nations Secretary-General for his report entitled ‘strengthening and coordinating United Nations rule of law activities’ contained in document A/67/290.

The adoption of the “Declaration on the Rule of Law at the National and International Levels” during the recently held High Level Meeting is a testimony of the importance attached by Member States to this agenda item.

Mr. Chairman,

The desire to create order through laws goes to the heart of human civilization. Rule of Law is critical for creating an international order conducive to peace, prosperity, dignity, and equal development opportunities for all.

Like other Member States of the Non-Aligned Movement (NAM), we recognize the centrality of the United Nations’ role in the promotion of rule of law at the international level. Respect for the purposes and principles of the UN Charter and international law is a pre-requisite for a rules based international order. The international community can maintain a stable international order only by upholding principles of justice and rule of law, cooperative multilateralism, sovereign equality, settlement of disputes by peaceful means, the conduct of international relations without threat or use of force and non-interference in domestic jurisdiction of any State.

Mr. Chairman,

The UN and its organs should promote the rule of law through leading by example. The Security Council must determine the existence of any threat to peace by the uniform application of Charter principles. The Council can enhance its effectiveness of its decisions by the consistent implementation of them, irrespective of their adoption under Chapter VI or Chapter VII of the UN Charter. The international community must

persist in demanding full compliance of international humanitarian law by all in all situations of armed conflict.

Pakistan supports the continuation of reform in procedures of the Security Council Committees to ensure due process in the implementation of sanctions regimes. We appreciate the introduction of the institution of the Ombudsperson in the work of the 1989 (Al-Qaida) Committee and support her work. We expect that the process of reform will continue in the same direction because much more needs to be done to satisfy the legal community on the issue of due process and effective remedy in the implementation of the sanctions regimes. We hope that country specific sanctions regimes will also get the same treatment in terms of due process as the Al-Qaida Sanctions regime has got.

Mr. Chairman,

Increasingly complex global challenges have necessitated adaptation in activities of the United Nations. We have noted that the United Nations has undertaken its rule of law related activities in almost 150 Member States in all regions of the world. The activities of many UN bodies focused on as varied areas as development, fragility, conflict and peacebuilding. The rule of law mandate was included in 17 peace operations in conflict and post conflict situations.

The UN peacekeeping has served as an important tool in restoring peace and normalcy and promoting rule of law in various conflict affected parts of the world. Pakistan is proud of its contribution to this endeavour as one of the leading and most consistent contributors to UN peacekeeping over the decades. We are also playing our role in the UN's efforts in post-conflict peace-building.

In the mixed record of the UN on conflict resolution, long-standing disputes and situations await just and durable solutions. Such solutions concordant with relevant UN resolutions will do more to uphold "Rule of Law" than hours of oration and posturing.

Mr. Chairman,

We must strengthen the International Court of Justice by using it for pacific settlement of disputes. Advisory opinions from the International Court of Justice can guide the Security Council and General Assembly in many difficult situations. The frequent recourse to international adjudicative mechanisms by Member States for peaceful settlement of disputes would promote the rule of law. We commend the work of UN established courts and tribunals for promoting accountability and fighting impunity in the relevant particular situations.

The need for consistency between national laws and international obligations make rule of law at the international and national levels complementary to each other. All

those nations who affirm the rule of law as a priority at national level must also respect it beyond their borders. A uniform and consistent approach to uphold rule of law would significantly contribute to improving equitable socio-economic development and a just international system.

Rule of Law plays a pivotal role in post conflict divided societies. Such societies should be helped through national institution building, particularly judicial capacity building. Rule of law related activities at the national level must be on the request and in close consultation with the host governments. The rule of law at national level can be improved only by strengthening national ownership of reform initiatives, providing support to national reform constituencies, and giving a central place to national level assessments.

Mr. Chairman,

Today's discussion advances our dialogue on this essential need of humanity. Pakistan would continue to follow this subject with the commitment and seriousness that it deserves.

I thank you Mr. Chairman.