



PAKISTAN

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Statement

by

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at

the Sixth Committee

on

Agenda Item No. 84

“Rule of Law at the National and International Levels”
during 71st Session of the General Assembly

New York,
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Sixth Committee of the UN General Assembly
Agenda Item 84: "Rule of Law at the national and international levels"

Statement by Pakistan
New York, 6 October 2016

Pakistan welcomes the opportunity to speak under the agenda item "rule of law at the national and international levels", under the two themes selected for this year: "Sharing national practices of States in the implementation of multilateral treaties;" and "Practical measures to facilitate access to justice for all, including for the poorest and most vulnerable."

Pakistan aligns itself with the statement delivered on behalf of the Non-Aligned Movement.

My delegation also takes note of the Secretary General's report focusing on the theme of this year's debate. While we have reservation on some terminologies used in the report, we appreciate the efforts of the United Nations and its agencies in supporting national activities related to the strengthening of the rule of law.

The 2012 Declaration of the General Assembly called for an international order based on the rule of law for a peaceful, just and prosperous world. However, the most critical aspect of this intricate relationship between rule of law and peace and tranquility is the just, equal and fair application of law. Laws applied arbitrarily and selectively or at the whims of the powerful tantamount to nothing but tyranny.

At the international level, the UN Charter, international law and international justice system should form the basis of a just and fair world order.

Respect and unequivocal adherence to the fundamental principles of the UN Charter - sovereign equality of states, the pacific settlement of disputes, refraining in international relations from the threat or use of force, non-interference in the internal affairs of States, and the legitimate right to self-determination of the people living under foreign occupation or alien domination - would strengthen the rule of law at the international level.

All resolutions of the Security Council must be implemented with uniformity; and must conform to the purposes and principles of the Charter, as provided for in Article 24;

International judicial institutions should be strengthened; and the Security Council should make optimum use of the International Court of Justice;

Long-standing disputes and situations must be resolved in accordance with the relevant UN resolutions. Failure to implement such resolutions or selective implementation of

resolutions undermines the credibility of the international rule of law.

It is critical for the United Nations to lead by example. When an institution fails to uphold the legal principles it espouses, it loses the moral ground to promote them. A practitioner of real-politik cannot convince others to embrace legalism or idealism.

Pakistan acknowledges the importance of discussing the themes set out for this years debate on rule of law. Firstly, access to justice is critical for a rule of law-based society. As consumers, we all know that a service is only as good as its availability. Secondly, over the last seventy years, the number of multilateral treaties has increased exponentially. We, as legal experts and diplomats, tend to think that our job is completed upon successful negotiation of a multilateral treaty. But the purpose of the treaty is only fulfilled upon its effective implementation.

In a world with ever-increasing number of people vulnerable to exploitation, discrimination and violence, it is imperative for States to facilitate and enhance access to justice. Pakistan's priorities, in this regard, include provision of speedy and inexpensive justice to all, promoting a culture of accountability and elimination of corruption.

We also believe that a functioning and competent judiciary, a more sensitive and approachable law enforcement agency, capacity-building of judicial and law enforcement officials, including through a gender sensitive approach, expanding avenues for access to justice and an effective legal support system, in particular for the poorest and the most vulnerable, are fundamental elements for promoting access to justice in a society.

Pakistan, in partnership with the UNDP has worked on projects related to enhancing capacity building of our judicial academies, building a network of paralegal services, community policing initiatives, recruitment of female police officers with training in gender sensitive policing and development of a legal framework to facilitate provision of legal aid. Similarly, in partnership with the UNHCR, we have worked o enhance access to justice for refugees.

In recent past, we have increased the number of our judges, expanded the network of our courts and judicial institutions, established legal aid centers and clinics in rural areas of 16 of our districts and added approximately 1000 paralegal aids. Through introduction of modules on rapid case disposals through Case-Flow management techniques, we have been able to accelerate legal processes in many of our district courts. The growth of free media in Pakistan has also contributed significantly to access to justice. The people of Pakistan had never been more aware of their legal rights and the legal avenues for preservation of those rights.

I would now briefly touch upon the issue of implementation of multilateral treaties.

Pakistan remains committed to implementation of all multilateral treaties it is party to. We also attach high importance to meeting all our international obligations.

We believe that various aspects of national implementation, including ways to enhance capacity and capability at the national level to implement multilateral treaties, should ideally form integral part of negotiation of a multilateral treaty. This will ensure that effective means of national implementation are firmly laid within the provisions of a multilateral treaty.

Many multilateral treaties carry obligations that can only be fully met through actions at various sub-national levels. One of the challenges in implementation is to bring the actors at the national level and the implementers at the sub-national level to work in unison and with the same degree of urgency. This requires an understanding of operational challenges among actors at the national level, and at the same time, awareness, education and capacity building of the actors at the sub-national level. Inability to meet this challenge successfully can result in uneven implementation of a multilateral treaty. Pakistan believes that such challenges can best be addressed either through bilateral cooperation among Member States or through partnerships with relevant international bodies created for implementation of those multilateral treaties.

Before concluding, my delegation would once again reiterate the importance of fairness and justice in developing and implementing the rule of law, in particular at the international level. Any injustice at the national level can be challenged in civil or criminal court and the recourse is available in relevant national laws. At the international level, however, the principal makers of international law are the principal arbiters of it and the recourse to justice is usually elusive.

I thank all delegations for their kind attention.