

Statement by Pakistan
Ambassador Masood Khan, Permanent Representative of Pakistan to the UN
on
Agenda Item 82 "Rule of Law at the national and international levels"
in the Sixth Committee during 69th Session of the General Assembly
New York, 9 October 2014

Mr. Chairman,

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

We appreciate the Secretary General's reports on the United Nations' rule of law activities; and commend various efforts undertaken by the United Nations and its agencies in this regard.

We acknowledge the efforts being made by Rome based International Development Law Organization (IDLO) to promote the rule of law.

Access to justice - the theme of this session's debate chosen under the rubric of the rule of law - is most apt and timely.

We agree with the Secretary General's view that "the rule of law requires that legal processes, institutions and substantive norms are consistent with human rights, including the core principles of equality before law, accountability before the law and fairness in the protection and vindication of rights". (Para 14, A/68/213/Add.1)

Mr. Chairman,

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. The rule of law 'applies to all States equally'. It is closely linked to peace and security, development, good governance and human rights. Good governance at the international level is fundamental for strengthening the rule of law.

The rule of law incorporates protection of individual rights, checks and balances in government, transparency and accountability of institutions, security of property, enforcement of contracts, and measures against corruption. For the successful application of the rule of law, equality of opportunity, equitable distribution of resources, a secure ecosystem, gender equality, inclusion, and political participation are essential ingredients.

The rule of law does not mean that all laws are good and they have to be applied blindly. There are good laws and bad laws; and some are downright outdated laws. The real spirit of the rule of law is that we continue to implement sound laws, reform existing laws to fight impunity, discrimination and persecution, and develop new laws to protect rights of individuals, communities and nations.

Mr. Chairman,

The United Nations and its organs and agencies have played a key role in the development and mainstreaming of the rule of law as a driver of peace and inclusive development.

The UN Charter, international law and international justice system *should* form the basis of a just world order. Respect and 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, and the right to self-determination - would strengthen the rule of law at the international level as a *grund norm*.

Mr. Chairman,

To strengthen the rule of law at the United Nations:

- The Security Council should set an example. Its resolutions, under Chapters VI and VII, must be implemented with uniformity; and must conform to the purposes and principles of the Charter, as provided for in Article 24;
- The use of force should be consistent with the Charter's principle of collective security;
- Chapter VII should be invoked carefully as a last resort;
- Frequent recourse should be made to a peaceful settlement of disputes by using various tools available under Chapter VI;
- 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 undermines the credibility of the international rule of law.

Mr. Chairman,

The rule of law should be applied universally covering both conflict and non-conflict situations. In conflict and post-conflict situations, the UN Security Council has a special responsibility to oversee security sector reform and institution building for transitional justice and accountable law enforcement agencies.

In non-conflict situations, the rule of law should be conceived and pursued in the broader context of good governance and the right to development. History and experience show that the rule of law at the national level has followed the path development and growth. Building regional and global partnerships for eradicating poverty and strengthening institutions are key to ensuring successes of programmes that promote the rule of law at the national level.

Mr. Chairman,

The essence of the rule of law is access to justice; and the essence of access to justice is legal empowerment of people so that they can enjoy their full civil, political, social, economic, and cultural rights. Approximately four billion people live today without the protection of law.

Billions are vulnerable to exploitation, discrimination and violence. Measures ought to be taken so that ordinary citizens can enjoy their basic rights and take control of their destiny. This can be done, first and foremost, by establishing and maintaining functioning and competent courts and law enforcement agencies. Citizens' capacities should be enhanced to seek redress in civil and criminal suits. They should have access to defense attorneys and paralegal services to protect their rights covering land tenure, property, exploitation of resources, and inheritance; uphold the sanctity of contracts; and help resolve their disputes. These are the foundations of fair trial and effective remedy.

The United Nations, over the decades, has established a firm linkage between the rule of law, access to justice, good governance and economic development. Development and the rule of law are mutually reinforcing. This nexus should therefore be made an integral part of the post-2015 Development Agenda. The rule of law and access to justice can have the most measurable sets of goals, targets and indicators.

Mr. Chairman,

Over the years, Pakistan has sought to build partnerships to promote the rule of law. We have made efforts to make our judicial system more accessible and responsive. In this effort, we have tapped into technical assistance and capacity building by our partners.

Our priorities on the rule of law and access to justice include speedy and inexpensive justice, culture of accountability, and elimination of corruption. Simultaneously, we are working on an agenda to reduce poverty, create jobs and accelerate economic growth and development.

We especially focus on developing new laws, strengthening and expanding the network of judicial institutions, increasing the number of judicial officers and building the capacity of police, prosecutors and judges.

We are also striving to make justice accessible to the most vulnerable and marginalized segments in society. In partnership with the UNDP, a programme on the Rule of Law and Legal Empowerment of Poor has been implemented in 16 districts of Pakistan. The programme improved provision of the legal aid to the poor by establishing legal aid centers and clinics in villages. It also helped train more than 600 paralegal aids and enhance awareness of laws and rights among the poor.

We are also working in 6 districts on the Case-Flow management techniques to expedite the processing of cases by judges. By ensuring rapid case disposal, judges in these districts were able to process 25% more cases.

For access to justice and judicial institutions, citizens need to have awareness of their rights and the laws to protect them; and they should have a high degree of confidence that the judicial system is independent and fair. Because of a series of measures taken over the years, we now have an independent judiciary, free media and a vibrant civil society, who continue to create such awareness among citizenry.

The Pakistan Law Commission has been entrusted to review all existing laws, and recommend repeal of outdated laws and amendment of laws in the light of new requirements and

developments. Our Parliament is aware of the urgency to adapt law-making to the imperatives of inclusive development.

To attack corruption, we are evolving a transparent, rule-based and merit-driven system. Discretionary powers are being gradually pared back to make institutions responsive to the rule of law.

Mr. Chairman,

We believe that the rule of law does not shrink sovereign space; it enhances it by empowering people. Laws are living and evolving organisms growing in local and national conditions and *milieu*. We agree with the Secretary General that "the rule of law must be anchored in national context, including its culture, history and politics". International treaties, conventions, laws and standards have to be assimilated into the national legal regimes.

The very purpose of the promotion of the rule of law would be defeated if it is invoked as a conditionality for development assistance by donors and the international financial institutions.

Finally, the rule of law and access to justice are advanced by promoting the right to information, recognizing legal identity of each citizen, especially birth registration; increasing legal participation; and providing legal services. In this regard, partnerships between the United Nations and national governments are most valuable and productive.

The Secretary General's proposal on the consideration of the rule of law and its linkages in a Main Committee or in a subsidiary body requires consultation among member states. The Sixth Committee may continue to be one such Committee.

I thank you, Mr. Chairman