
Mr. President,

The Pakistan delegation thanks you for convening these informal consultations which will conclude the first stage of our preparations for the September 2005 United Nations Summit. We are glad that this process has been open and transparent. We trust that the report of the Secretary-General expected next month will fully take into account the views expressed by the member states in our debates.

2. Pakistan has endorsed a comprehensive approach to the 2005 Summit whose outcome must respond to the interests and priorities of the entire membership and ensure an overall balance between the issues of peace and security, sustainable development and institutional reform.

3. Pakistan fully endorses the statements made by the Chairman of the Non-Aligned Movement as well as the Chairman of the Group of 77 in each of these debates. We also associate ourselves with the statement made by Turkey on behalf of the OIC.

4. We welcome the appointment of Facilitators and trust that their consultations will continue to be open, inclusive and transparent and lead to negotiated outcomes on all important issues. Early agreements may be possible in some areas. These will have to be reflected in the final document to be adopted at the Summit. Those issues requiring the exercise of political will at the highest level may need to be decided by our leaders themselves.

Mr. President,

5. It is clear that agreement will be easier on some issues than others. Let me advance some suggestions with regard to the nature of the consensus which could be evolved on the major issues of peace, security and development at the September Summit.

Mr. President,

“Old & New” Threats

6. It is right that a new consensus must be evolved on ways and means to address the new as well as old threats to international peace and security. Unfortunately, while focusing on the so-called new threats, the High-Level Panel has not fully addressed effective ways to address the old threats – foreign occupation, regional rivalries, the global and regional arms race. Greater consideration is required in our preparations for the Summit on ways to address these "old" threats. We trust that the Secretary-General’s report will include recommendations on this issue.

Use of Force

7. The spirit of the collective security system envisaged by the Charter is cooperative, not coercive.

8. Article 42 and 51 of the UN Charter set out the only conditions under which the use of force can be envisaged. Pakistan endorses the wisdom displayed by the High-Level Panel in asserting that no changes are required in the provisions of Article 51. However, the criteria
advanced by the Panel for authorization of the use of force are subjective and partial and liable to misinterpretation and abuse by powerful states. Generalization of the conditions or pre-conditions for such authorization of the use of force by the Security Council will not advance the goal of international peace and stability.

9. Similarly, there is no need for amendments to or interpretation of Article 51 of the UN Charter. This Article clearly provides that the right of individual or collective self-defence arises only if “an armed attack occurs” against a member of the United Nations and only until the Security Council has taken measures necessary to maintain international peace and security. The use of unilateral, pre-emptive or preventive force was obviously excluded by the Charter.

Mr. President,

Pacific Settlement of Disputes

10. The most significant omission in the recommendations of the High-Level Panel is consideration of ways and means to enhance the pacific settlement of disputes. Under the Charter, each of three principal organs – the General Assembly, the Security Council and the International Court of Justice – have responsibilities for dispute settlement and conflict resolution. The Secretary-General’s substantial role is also clearly set out.

11. The Security Council must give life to the central obligation of Member States under the Charter to refrain from the threat or use of force, to avoid war and to seek and build peace. To this end, the Council should make wider and effective use of processes in Chapter VI; it should become engaged early in the resolution of disputes; it may call on parties to negotiate agreements for dispute settlement; make greater use of its prerogative under Article 34 to investigate any dispute, or any situation which may lead to international friction; use its mandatory authority to persuade parties to engage in the processes for the peaceful settlement; refer Legal disputes to the International Court of Justice for advisory opinions or determinations which could be made binding on the concerned parties by the Council.

12. The General Assembly should also make effective use of its relevant competences under the Charter. It should make recommendations on any question which the Security Council has either failed to consider or to act upon. Pursuant to Article 35, the Assembly should encourage Member States to bring to its attention any disputes or questions relating to international peace and security. Member States should be encouraged to accept the compulsory jurisdiction of the International Court of Justice. The Secretary-General should be given the authority to request Advisory Opinions from the Court and make greater use of his prerogative under Article 99 of the Charter.

Mr. President,

WMD Proliferation and Disarmament

13. The High-Level Panel’s recommendations regarding the threats posed by weapons of mass destruction are partial and incomplete. They ignore the reality that international peace and security, and global and regional stability, are pervasively threatened by the accumulation and use of armaments, both conventional and non-conventional by Member States. The United Nations has sought for 60 years to promote the goal of general and complete disarmament. This goal cannot be discarded merely because it has proved difficult to achieve. The far reaching consensus achieved at the first Special Session of the General Assembly devoted to disarmament can serve as a good basis, even today, to advance this central objective and thus enhance international peace and security.
14. The most effective way to promote disarmament, and prevent the vertical and horizontal proliferation of conventional and non-conventional weapons, is to address the legitimate security concerns of states. Every state, large or small, powerful or weak, is entitled to equal security. The responsibility for disarmament and for the promotion of an environment of security, both globally and regionally, rests on the militarily significant states. It is their military acquisitions which accentuate the threat perceptions of the less powerful states and impel them to pursue asymmetric approaches to assure security.

15. Disarmament and non-proliferation are two sides of the same coin. They are mutually reinforcing. Efforts to contain WMD proliferation must thus be accompanied by an active effort to promote disarmament and to address the security concerns of states which are considered to be of “proliferation concern”. The September Summit should call for the resumption of negotiations, especially in the Geneva Conference on Disarmament, to promote a broad and balanced agenda for nuclear and conventional disarmament and arms control.

16. The nuclear non-proliferation regime faces several challenges. These arise mainly from the dichotomy between the nuclear “legality” – as represented by the NPT regime – and the nuclear “reality”. Firstly, the NPT is based on the premise of eventual but complete nuclear disarmament. But, its five recognized nuclear weapon states are unlikely to give up their claim to retain nuclear weapons indefinitely. Secondly, the NPT recognises only five States as “nuclear weapons States”. The reality is that nuclear weapons are possessed today by eight States. The cooperation of all these States is essential to achieve the objectives of nuclear non-proliferation. Ways and means need to be developed to normalize the relationship of the three de facto nuclear weapon States with the NPT regime. Thirdly, the NPT promised peaceful nuclear cooperation in exchange for nuclear disavowal. But certain elements of the fuel cycle can enable states to quickly acquire nuclear weapons. Ways must be found to prevent proliferation while respecting the promise of peaceful nuclear cooperation.

17. Action is also required to avoid the “nightmare scenario” of weapons of mass destruction falling into the hands of terrorists. Terrorists are more likely to acquire biological or chemical weapons rather than nuclear weapons, which are difficult even for states to develop. Action is, therefore, required to create an effective verification system for biological weapons, to effectively implement the provisions of the CW Convention, including for the quick elimination of chemical weapons stockpiles.

Mr. President,

Terrorism

18. Pakistan fully shares the concerns about globalized terrorism, especially since we are a principal victim and target of such terrorism. The focus of the Summit’s decisions should be on action, not words. Ratification of the 12 international conventions against terrorism is important, but not sufficient to address this threat. Nor will another international convention materially advance counter-terrorism, especially if it is not adopted with full consensus.

19. We share the Panel’s view that acts of violence against innocent civilians should be regarded as terrorism. This simple proposition can serve as a working basis for a definition of terrorism. However, some qualifications are essential: Firstly, “innocent civilians” cannot include armed forces or other personnel which are involved in the violent suppression of peoples or nations seeking their legitimate right to self-determination and national liberation. Second, acts of individual terrorism by those involved in legitimate struggles for self-determination and national liberation do not, in themselves, de-legitimize their legitimate cause. Third, violence against innocent civilians, whether perpetrated by non-state actors or state actors, is equally reprehensible and also constitutes terrorism.
20. Pakistan looks forward to the comprehensive strategy against terrorism to be presented shortly by our Secretary-General. We trust that this strategy will incorporate the need to address not only the symptoms but the root causes of terrorism. These causes arise from political and economic injustices against nations and peoples in many parts of the world. Some have sought, unjustly, to identify terrorism with Islam. This is defamation. Terrorism today does afflict and at times emanates from parts of the Muslim world. This is no coincidence since it is mostly Muslim peoples and nations – such as the Palestinians and Kashmiris – who are today being subjected to political and military repression and socio-economic injustice.

Islam and the West

21. Last September, President Musharraf appealed to the collective wisdom of the international community to prevent an “iron curtain” from descending between the Islamic world and the West. This is a major current issue which the High-Level Panel failed to examine. The September Summit offers an opportunity to build on several proposals which have been advanced – such as President Musharraf’s two pronged strategy for “Enlightened Moderation”, the proposal of the Prime Minister of Spain for an “Alliance of Civilizations”, U.S. President Bush’s proposal for a Broader Middle East Initiative – to evolve agreement on an action plan to promote peace, justice, development and democracy in the Muslim world while ensuring that the injustices perpetrated against the Muslim peoples are effectively redressed.

Mr. President,

Responsibility to Protect

22. The controversial concept of the “responsibility to protect” advanced by the High-Level Panel has been widely rejected by member States, especially the 114 States members of the Non-Aligned Movement. The concept of intervention, both humanitarian or otherwise, contravenes the UN Charter and international law. However, there is sufficient basis in international law and practice to enable the international community to prevent genocide, ethnic cleansing or serious violations of international humanitarian law. Building on the Genocide Convention, the Geneva Conventions and other humanitarian law, the mechanisms of the International Court of Justice, the International Criminal Court, as well as the existing mandates of the Security Council, the ECOSOC and the Commission on Human Rights, can be utilized to prevent grave and widespread violations of international humanitarian law and human rights.

Peace and Development Commission

23. Yet we must look beyond the symptoms of such grave violations of humanitarian law and human rights and address their causes. Efforts to counter and punish such violations must be preceded by the endeavour to prevent them. It is in this context that Pakistan views, with interest, the suggestion of the High-Level Panel for the establishment of a Peace Building Commission. In our view, it would be more appropriate to call this a “Peace and Development Commission”. Its responsibilities should be, first and foremost, to promote development as the best means to prevent conflict and abuses of international humanitarian law and human rights. Its mandate could also encompass peace building in post conflict situations. Such a Commission should be established by the General Assembly and should report to both the Security Council as well as the Economic and Social Council. The latter should assume the principal responsibilities for the prevention of conflicts through development and the re-building of societies broken by conflict and war.

Mr. President,

The Development Agenda for 2005
24. The statements of the Chairman of the G-77 and China yesterday and on 10 February have clearly outlined the goals and expectations of the developing countries for the September Summit, Pakistan too outlined its position on the Millennium Project Report and other development goals on 10 February.

25. The September Summit offers a unique opportunity to significantly advance the Millennium Development Goals and other development objectives. There is consensus on the broad strategy for development; practical and specific steps to achieve these development goals have been identified; and the international community has recognized that development, besides constituting a moral, political, social and economic imperative, is the foundation of peace and security.

26. The September Summit should approve a concrete plan of action. Such action should encompass the following:

One, the adoption by developing and developed countries of national policies designed to achieve the agreed development goals. These policies should be formulated and conveyed to the United Nations. They should be subjected to periodic peer reviews. This should be accompanied by appropriate reform in the international monetary, financial and trading systems to enhance their support to the development goals. Actions taken by concerned institutions, including the BWIs and the WTO, should be reported to the UN;

Two, ensuring the availability of adequate and appropriate finance to achieve the MDGs and other development goals. This should include approval of the Millennium Report’s recommendations for comprehensive debt cancellation and relief, the adoption of ODA targets to reach 0.7% target; measures to direct investment to developing countries; steps to expand their trade, and generation of new financial resources through innovative means;

Three, ensuring equity in the multilateral trading systems and its contribution to the development goals. The Doha Development Round can live up to its name by acceptance of the trade-related recommendations of the Millennium Report. The Summit should also seek to provide early benefits from the trade negotiations to the low income countries; and approve actions to enlarge their trade capacities, stabilize commodity prices and redress revenue losses; and

Four, promoting access to technologies relevant to achievement of the development goals, greater technical assistance for this purpose, and R&D on developing country “problems”.

Mr. President,

Institutional Reform

27. The shortcomings of the United Nations and other International Organizations, currently so widely proclaimed, do not flow principally from institutional inadequacies. They arise from the absence of political will – on the part of some major powers – to support effective multilateralism. Our September Summit must secure unequivocal commitments, especially from the most important member States, to effective multilateralism under the aegis of the UN.

28. Secondly, institutional reform must flow from decisions relating to policy. The proposal for Peace Building or Peace and Development Commission is one example. Decisions for institutional reform must, therefore, constitute an integral part of the final and comprehensive outcome of the Summit.
29. Thirdly, the aim of reform must be to promote greater effectiveness, transparency, accountability and democracy in the UN organs and other multilateral institutions.

The General Assembly

30. The General Assembly – the chief deliberative, policy-making and representative UN organ – must be enabled to play its central role effectively. Revitalization of the Assembly is not merely a procedural issue, relating to rationalization of the agenda, curtailment of documentation, and improvement of working methods. The crux of “revitalization” is strengthening the authority and role of the General Assembly. This requires: (i) full respect for the Assembly’s Charter role and functions; (ii) an end to the progressive transfer of issues within the Assembly’s purview to the Security Council; (iii) a renewed political commitment by all Member States to implement the Assembly’s decisions on a non-selective and non-discriminatory basis; and (iv) provision of adequate financial resources to implement of all mandated activities.

ECOSOC

31. The Panel's virtual dismissal of ECOSOC is not shared by the UN’s general membership. The Economic and Social Council can and should be empowered to play the central role envisaged in the Charter for coordination of economic and social policies and operational activities for development. Improvements can be agreed e.g. to keep the Council in continuous session and enable it to review national development and economic policies. Moreover, in view of the imperative of achieving the agreed development goals, consideration should be given to making the ECOSOC’s decisions – at least those relating to the agreed development goals – binding on member states.

Security Council

32. In the post cold war period, the Security Council has increasingly emerged as the most active organ of the UN. This is principally due to its power to create binding obligations on member states and to take enforcement action, including the authorization of the use of force. The Council has displayed the growing proclivity to resort rapidly to Chapter VII actions; to focus on internal rather than the more serious international disputes; and to encroach on the functions and responsibilities of other UN organs. In dealing with terrorism and WMD, the Council has assumed a legislative role not envisaged for it by the Charter.

33. This evolution in the Council’s role does not enjoy the support of the vast majority of member states. They see the Council’s decisions as selective and often arbitrary and primarily influenced by the power of its permanent members. They see its working methods as closed and non-transparent. They resent its encroachment on the authority of other UN organs and the sovereign prerogatives of member states.

34. For the majority of the UN’s membership, therefore, the reform of the Security Council is designed to introduce greater democracy and transparency in its working methods; to restrain its encroachment of the powers and functions of other UN organs; and to contain the resort to political and military interventions. The September Summit must advance these aspirations and promote respect for a balance between the UN’s organs as reflected in the UN Charter.

35. The initiative for enlargement of the Council’s membership was designed principally also to correct these imbalances in the Council. Unfortunately, some states have sought to exploit the general desire for democracy and accountability to promote their own national ambitions to acquire the status symbol of “permanent members” of the Security Council.
Our debates have demonstrated, as you have rightly observed, Mr. President, that there are “persistent differences” on this issue.

Clearly, Model-A in the Panel’s Report is undemocratic and unfair. It seeks to address inequality by accentuating inequality. Eleven countries will be “permanently” on the Council; 180 others will have to scramble for representation on the 13 elected seats. It will not structurally change the Council’s unequal character. It will give permanent presence to six self-selected countries. A new category of veto less “permanent” members would not balance the weight of the existing permanent members. On the contrary, it will enlarge the number of those states which would have a vested interest to ensure that all power and authority is concentrated within the Security Council. It will do nothing to advance the interests of the developing countries.

In this debate, some spurious statistics have been cited in favour of Model-A. Clearly, the arithmetic is wrong. It reflects both double counting and wishful thinking. The fact is that the number of member states favouring increase in the “permanent category” has declined since last September. The number of states favouring an alternative approach has increased.

A solution can be evolved, through modifications to Model-B proposed by the Panel, to accommodate the interests of the entire membership. All 19 elected seats should be available to 186 UN member states. This would enlarge the representation of developing countries more certainly than Model-A. The larger number of elected members vis-à-vis the permanent members is the best guarantee of greater equity in the Council’s decisions. Re-election could be allowed. This would enable the “aspirants” and others to seek more frequent membership. The requirement for re-election would ensure that those promising to represent regional or group interests remain accountable for their behaviour while serving on the Council. Moreover, each regional group could evolve its own arrangements for rotation, of some or all of its members, against the longer term or shorter term seats allocated to the region.

A Group of Like-Minded countries have submitted a paper seeking to promote an alternative approach which could command general consensus within the United Nations. We are greatly encouraged by the response of most member states since this approach could ensure that expansion responds to the national interests of all states and groups within the UN membership.

Mr. President,

It is important to take cognizance of the views expressed during our debate on the process by which reform of the Security Council is to be achieved. Many member states have expressed their concern that the issue of enlargement could overshadow the whole reform process. Others have advised against divisive votes which could derail the preparations for the September Summit. Three permanent members have rejected the idea of establishing deadlines or of pushing for early decisions on issues that are unlikely to command consensus. Pakistan, and the other like-minded countries, therefore, hope that the broad membership will join us in efforts directed at evolving general consensus on Security Council expansion. This will greatly enhance the prospects of consensus on the entire range of issues to be considered at the 2005 Summit.