Mr. Facilitator,

Pakistan welcomes this Thematic Discussion in "Cluster-III" of the UN Secretary-General’s Report entitled “Freedom to Live in Dignity.”

2. This central purpose is, in fact, encapsulated in the Charter’s provision visualizing the promotion of “social progress and better standards of life in larger freedom.” The evolution of the international norms of human rights and international humanitarian law since the Charter’s adoption has elaborated and illustrated the meaning and context of this important phrase in the UN Charter which has inspired the title of the Secretary-General’s Report. Our reference points are: the Universal Declaration of Human Rights (UDHR), the two International Covenants on Civil & Political Rights and Economic & Social Rights, the Vienna Declaration and Programme of Action, and the several Human Rights Conventions on ending Racial Discrimination, Rights of Women, Rights of the Child, Religious Tolerance, etc. Accompanying these human rights norms is the body of international humanitarian law, contained in the four Geneva Conventions and their Protocols, the Genocide Convention, and associated laws and norms.

3. Pakistan fully shares the central purpose of the Secretary-General’s recommendations that every human being in any part of the world is entitled to a “life of dignity” with all its attendant implications. The devil is, of course, in the detail. How is this aspiration to be achieved? It cannot be realized when almost one-third of the world’s people live in abject and degrading poverty. Twenty-thousand people in our world die each day from hunger, poverty and preventable disease. Their freedom to live in dignity cannot be realized unless they are freed from the shackles of poverty. Millions of people suffer brutality in hundreds of conflicts which rage across the world, specially in the poorest countries – sparked and sustained by the politics of scarcity, greed and exploitation. Millions also suffer under the heel of foreign occupation, denied the fundamental freedom encompassed in the Charter and in the first article in both the two International Covenants – the right to self-determination. A lesser number of the world’s peoples also suffer the denial of their basic human rights by repressive regimes. And in unfortunate occasions, especially in the course of armed conflicts, peoples have been subjected to gross violations of human rights and, in some cases, to the crime of genocide.

4. Our approach to promoting a “life of dignity” must keep in mind these perspectives of the different dimensions of suffering. The international community must address the causes and the consequences of this suffering through a comprehensive and balanced strategy of cooperation and collective action.

5. Unfortunately, within the UN, the promotion of human rights has not evolved as a cooperative endeavour. It has been consistently tarnished by politics and unilateral perspectives and approaches. It has often become an instrument of political pressure and interference and many fear that it could be used as justification even for military intervention. It has tended to divide Member States along North-South lines and along the cultural fault-lines. In our globalized world, we can no longer allow such division to bedevil the endeavour to promote a “life of dignity” for all.

6. The recommendations in the Secretary-General’s Report on human rights do not address the underlying and pervasive problems which afflict the consideration of human rights within the United Nations. In this context, my delegation would draw attention to a paper prepared by the OIC Working Group on Human Rights in Geneva which offers a number of specific comments on the proposals contained in the Secretary-General’s Report.
7. In our view, the proposed creation of the Human Rights Council is unlikely to command broad consensus within the UN membership, specially in the manner it is conceived in the paper circulated last week by the Secretary-General.

8. Instead, the Pakistan delegation would like to offer several other specific suggestions to improve the functioning of the United Nations human rights organs and machinery:

First, we believe that Member States should adopt a different approach to the discussion of human rights in the CHR and other human rights bodies – one based on a “thematic” rather than a “country-specific” approach. The policies and actions of all countries could be reviewed, on the bases of objective information and data, in such thematic discussions.

Second, equal attention must be accorded to economic and social and civil & political rights. This has been agreed since the adoption of the International Covenants and, specifically, in the Vienna documents. Yet, most of the advanced countries focus mainly on civil & political rights and refuse to even endorse the “Right to Development” as an equally binding human right.

Third, double standards must be avoided in addressing “situations” of human rights. Some situations are prominently projected; other, equally serious, are ignored. Double standards can be avoided to some extent if human rights situations are addressed in accordance with the quasi-judicial procedure set out in ECOSOC Resolution 1503. This procedure provides for confidential consideration of human rights situations, on the basis of objective information and direct communications from individuals, by the Sub-Commission and public consideration by the Commission only once redress cannot be realized through these confidential procedures.

Fourth, cultural diversity must be respected. While the norms of the UDHR are universal, each country must be allowed to attain them within its own socio-economic and cultural context. There are many roads to reach the same human rights destination.

Fifth, the focus of promotion of human rights in the developing countries should be on cooperation, technical assistance and education to build capacity rather than on political pressure and interference in their internal affairs.

Sixth, country-specific or region-specific consideration should focus mainly on situations of armed conflict – inter-State or intra-State – and specially situations of foreign occupation and denial of the right of peoples to self-determination. It is in such situations that the gravest violations of human rights take place.

Seventh, decisions of the CHR – or other bodies – on country-specific situations should be approved by a 2/3 majority.

Eighth, election of Members to the CHR could be also by a 2/3 majority of ECOSOC’s membership. In our view, human rights constitute an integral part of ECOSOC’s mandate, arising from the integrated nature of civil and political and economic & social rights. Moreover, reducing the CHR’s membership is contrary to the broader endeavour to make the UN bodies – including the Security Council – more representative.

9. There are several other problems relating to the human rights machinery which will also need to be addressed in any reform exercise.
**One.** human rights “mechanisms” i.e. the numerous Special Rapporteurs, Committees etc. need to be rationalized. There are too many Special Rapporteurs mostly on civil & political issues; their mandates overlap, these mandates are loosely interpreted; some Rapporteurs pursue their own agendas, straying far from their mandates; the quality of Reports is questionable and their added value minimal.

**Two.** the participation of NGOs and Civil Society also needs to be streamlined. Hundreds of NGOs participate in the CHR. Sixty-percent of the CHR’s Conference time is devoted to their statements. There are many outstanding NGOs and the value of their work is well-known. But the quality and credentials of some NGOs are questionable, specially those which are sponsored by governments or linked to them.

**Three.** the personnel in the Office of the High Commissioner are largely from a certain group of countries. The developing countries, and specially the Islamic countries, are inadequately represented. The unacceptable practice of some richer countries of deputing serving officials or providing money to hire their nationals further skews the composition and orientation of the Office.

**Four.** while the core funding for human rights activities faces the usual budgetary constraints, voluntary funding has significantly expanded. This funding is largely tied to specific programmes not related to the mandates approved by the CHR or other inter-governmental bodies. This serves to promote the political and national objectives of the richer countries and distorts the UN’s mandated priorities.

**Mr. Facilitator,**

10. Pakistan endorses the Secretary-General’s view (para 133) that “every nation that proclaims the rule of law at home must respect it abroad and every nation that insists on it abroad must enforce it at home.” Apart from violations of human rights norms and Conventions, the issue of ensuring universal respect for international humanitarian law has, as yet, been insufficiently addressed. Over the course of the past two decades, we have witnessed some grave and continuing violations of international humanitarian law mostly perpetrated by some States and in certain instances, by non-State actors. Rwanda, Srebrenica, Kashmir and Palestine come to mind. In most cases, these violations could have been deterred, or at least punished, if there were some adequate mechanism available to take cognizance of such violations.

11. We need to focus on empowering the international judicial machinery to take cognizance of such violations of international humanitarian law, including the Geneva Conventions and the Genocide Convention. Agreement could be reached to enable the General Assembly to refer such violations to the ICC and/or the ICJ for appropriate examination and prosecution of those responsible, especially the concerned national authorities display the willingness and ability to do so.

12. However, Pakistan cannot “embrace” the concept of a “responsibility to protect.” It appears to us that this is an evolution of the earlier concept of “humanitarian intervention.”

13. We can all agree, of course, with the Biblical edict that “we are our brother’s keepers.” In this sense, we all have a collective responsibility to ensure a life of dignity for all. But, this responsibility arises much earlier than in those situations where physical intervention becomes necessary. This responsibility is better encapsulated in the Charter’s vision of achieving universal progress and peace through cooperation and harmonization of policies within the UN. It would be better served by acceptance and implementation of the Right to Development. States and societies come under stress mostly due to poverty, scarcity and underdevelopment. They can and should be helped **before** they collapse – through international assistance and cooperation.
The international community should not wait, with folded hands, and watch as countries proceed on the path towards economic, social and political collapse. Help should come much earlier. Moreover, the problems of such “stressed” States and societies should not be made worse by external interference and regional power plays.

14. If and when a State or society has collapsed, international action may become necessary. We have witnessed numerous complex crises in recent years, especially in Africa. In such circumstances, it will be essential to guard against unilateral or unauthorized intervention by regional or global powers to promote their own political, economic or strategic interest. Such actions when necessary can only be authorized collectively by the Security Council, and failing this, by the General Assembly. And, in such circumstances, the sovereignty, unity and territorial integrity of the State concerned must be fully safeguarded and preserved and authority transferred back as soon as possible to its own people.

15. We welcome the reaffirmation in the report of the principle that “democracy does not belong to any country or region” while one can debate whether or not this is a “universal right.” Democracy need not be construed in terms of elections alone or the transposition of certain standards in disregard of the specificities of each situation. It should be understood in its broader context, as promoting the self-determination of peoples, addressing the politics of scarcity, enabling enjoyment of fundamental human rights and promoting mutual accommodation and harmony within and among nations.

16. Our shared ideal of democracy will be difficult to realize universally unless the international community acts effectively to end inequity and inequality in power and wealth among and within nations.

17. The proposal for Democracy Fund is acceptable in principle. However, further consideration is needed to ensure that such a Fund does not become a tool for interference in the internal affairs of States.

18. Such a Fund should provide technical assistance to states upon their request. The modalities for the creation, maintenance and operation of such a fund should be thoroughly discussed and decided by the General Assembly.

19. We shall elaborate our views on some of these issues in the consultations on Cluster IV. I trust our discussions are being recorded as we would hope to have our views eventually reflected in the documents that are prepared.