Mr. Facilitator,

I thank you for convening these consultations on Cluster II – Freedom from Fear. These consultations focus on security issues.

2. Pakistan fully endorses the statement made today by Malaysia on behalf of the NAM. The views of NAM were in fact communicated, through the President of the General Assembly, to the Secretary-General. Unfortunately, they have not found adequate reflection in the Secretary-General’s Report or its recommendations.

**Collective Security Consensus**

3. The Secretary-General’s report asserts that “we lack even a basic consensus” on security. This is not entirely so. The UN Charter does reflect a security consensus. It proscribes the use of force, except in two well-defined exceptions; it encourages the peaceful resolution of disputes; it offers the UN as a forum for the harmonization of the policies of Member States; it encourages cooperation among States to promote “social progress and better standards of life in larger freedom.” This “cooperative” approach to security should not be eroded by any attempt to evolve more effective responses to “new” or “old” threats.

4. The Report focuses mainly on the “new” threats – Terrorism, WMD proliferation, organized crime and conflicts within weak States. It does not fully address “old” threats – the prevailing inter-State conflicts, the threats to peace arising from instances of foreign occupation and denial of self-determination, military intervention, the excessive accumulation of armaments, present and potential military rivalry between States – global and regional. Nor does it adequately address the root causes of the “new” threats. For instance, it does not even attempt to address the troubled relationship between the West and the Islamic World. This imbalance in the Secretary-General’s Report and recommendations should be redressed. My delegation will submit a paper to address (a) the “old” threats to peace and security, and (b) the need to promote cooperation between Islam and the West – a subject on which several initiatives have been taken recently, including the proposal for “Enlightened Moderation” advanced by President Musharraf of Pakistan.

5. The decisions of our September Summit should reaffirm the cooperative concept of collective security embodied in the UN Charter. In this context, we should seek to strengthen the mechanisms and means to promote the peaceful settlement of disputes. I am circulating a paper outlining several proposals to strengthen the contribution which the Security Council, the General Assembly, the ICJ, the Secretary-General and Member States can make to the peaceful settlement of disputes. This paper enjoys the broad support of 15 countries drawn from a cross-section of Member States. We hope these recommendations will be incorporated in the decisions of the September Summit.

**Nuclear, Biological and Chemical Weapons**

6. WMD do pose a grave threat to global and national peace and security – not only of the large but also the small and medium States. However, the threat does not arise only from the proliferation of WMD, but also from the very existence of such weapons, specially the huge arsenals of nuclear weapons held by some of the NPT-recognized nuclear weapons States.
While welcome reductions in nuclear arms have been undertaken after the end of the Cold War, two States possess over 20,000 nuclear weapons each, mostly deployed on hair-trigger alert. Concern must be voiced at (a) ever-present danger posed by these arsenals; (b) the reluctance of some of these States to respect their commitments to complete nuclear disarmament; (c) new war-fighting nuclear doctrines that have been enunciated, even against non-nuclear weapon States (NNWS); (d) programmes to design and develop “usable” nuclear weapons; and (e) the development and deployment of ABM systems, both global and regional, which could threaten international and regional security.

7. Disarmament and non-proliferation are two sides of the same coin. The vast majority of non-nuclear weapon States have disavowed nuclear weapons on the explicit understanding that the existing nuclear weapons States (NWS) will, within a foreseeable period, achieve total nuclear disarmament. The failure of some of the NWS to live up to this “bargain” constitutes the central challenge to the NPT regime.

8. The nuclear non-proliferation regime will remain incomplete so long as it refuses to acknowledge and secure the cooperation of the three nuclear weapons States which remain outside the NPT-regime. The Treaty will have to adjust to this reality – the sooner the better. Pakistan shares the concern that WMD proliferation could threaten peace and even create catastrophic consequences. We are prepared to work as a partner in a cooperative endeavour to arrest nuclear and other WMD proliferation.

9. To arrest nuclear proliferation, it is also essential to reconcile the promise of peaceful nuclear cooperation with the danger that possession of the complete nuclear fuel cycle provides countries with the capability to develop nuclear weapons.

10. It is equally important to address the underlying security motivations which propel proliferation. These arise mostly from the current asymmetry of military power and the capacity and evident willingness of some States to intervene militarily against other, weaker States. The principle of “equal security for all States” should be given life by securing limitations on the excessive accumulation of increasingly lethal conventional and non-conventional weapons by some States and the deployment of such capabilities against other States. Similarly, a global regime is required to regulate and, if possible, prevent the growing militarization of Outer Space.

11. The threat posed by missiles cannot be resolved by the imposition of unequal obligations, where some States can develop and deploy missiles of all ranges and capabilities whereas others are to be prevented from doing so. A universal and equitable international agreement on Missiles should be evolved through negotiations in the Conference on Disarmament.

12. The international community has succeeded in prohibiting both biological and chemical weapons. Unfortunately, large chemical weapons stocks still remain to be destroyed and numerous verification issues remain outstanding. Of greater concern is the failure to adopt the verification regime for Biological Weapons that was negotiated for 8 years and virtually completed. Responsibility for compliance with the obligations of the Biological Weapons Convention, or other Treaties, cannot be entrusted to the Security Council.

13. We share the urgency of preventing a “nightmare scenario” of WMD falling into the hands of terrorists. We have joined in supporting the Convention on Nuclear Terrorism. But terrorists are more likely to acquire biological weapons or chemical weapons, rather than nuclear weapons. An effective strategy to prevent terrorist acquisition of WMD, should: (i) deprive terrorist organizations of their organizational and operational capabilities; (ii) strengthen the relevant multilateral regimes and treaties; (iii) negotiate new agreements to fill any perceived legal gaps; and (iv) enhance the capacity of States to implement their treaty obligations.
14. The role of the Security Council under the Charter is restricted to maintenance of international peace and security. The Charter envisages the voluntary negotiation of treaties by Member States. Legal obligations can only be created for Member States if they participate fully in the negotiating fora and accept international instruments through signature and ratification. Pakistan also shares the view that any action by the Council must not undermine multilateral treaties on weapons of mass destruction and international organizations established pursuant to these treaties as well as the role of the General Assembly.

Small Arms and Light Weapons (SALW)

15. We agree with the Secretary General that the “accumulation and proliferation” of Small Arms and Light Weapons continues to be a serious threat to peace, stability and development. A host of measures have been initiated to address these crises, including the UN Programme of Action against illicit Small Arms and Light Weapons (SALW). These crises need to be addressed in a comprehensive manner, through conflict resolution, ending external intervention, and halting the illegal exploitation of natural resources which motivate and fuel many of these conflicts. Pakistan is participating actively in the negotiations to conclude a SALW Marking and Tracing instrument. Further steps are required to enhance international cooperation in preventing, combating and eradicating illicit brokering of small arms.

Terrorism

16. Pakistan is in the forefront of the campaign against terrorism. We endorse the need to adopt a comprehensive counter-terrorist strategy encompassing short and long-term measures. The short-term measures should strengthen the UN role in counter-terrorism; enhance the capacity of States to combat terrorism; enhance cooperation in intelligence and information sharing, early warning, law enforcement, border controls and suppression of terrorist financing.

17. However, we are disappointed with the strategy outlined by the Secretary-General. It bypasses issues such as “State terrorism” and the root causes of terrorism. A comprehensive strategy cannot dodge these issues. It should unequivocally outlaw “State terrorism” as well as State-sponsored terrorism; it should address root causes – such as the denial of self-determination and the persistence of foreign occupation as well as political and economic injustices. It should also activate efforts to promote cooperation and understanding among different religions, cultures and civilizations, specially between Islam and the West.

18. We can agree that deliberate violence against innocent civilians constitutes terrorism. But this should be so whether such violence is perpetrated by non-State actors or by States. To this proposed definition of terrorism, three qualifications should be added:

(i) the term ‘innocent civilians’ excludes armed forces or other personnel in situations of armed conflict;

(ii) acts of individual terrorism by those involved in legitimate struggles for self-determination and national liberation do not de-legitimize their legitimate cause; and

(iii) violence against innocent civilians, by whomsoever committed, including states, constitutes terrorism.

Use of Force
19. We are gravely concerned about the assertions and prescriptions in the Secretary-General’s Report in the section on the “use of force.” We do not agree that there is any need to re-open the issue of when and where the use of force is justified or legal. We certainly do not agree that Article 51 of the Charter provides for the pre-emptive, preventive or protective use of force. In our view, the language of Article 51 is quite explicit and highly limitative. It provides for the use of force in self-defense only in case of an actual attack against a Member State and that too only until the Security Council needs to evolve a collective response to such attack or aggression. As to what constitutes “aggression”, this has also been agreed on the General Assembly’s Declaration on the “Definition of Aggression.” There is no scope for the interpretation presented in the Secretary-General’s Report. Acceptance of such an interpretation would open a Pandora’s Box.

20. We do not agree with the Report’s contention that the Charter gives “full authority to the Security Council to use military force, including preventively.” The intent of the Charter is not to turn the Council into an instrument of intimidation or intervention. The Charter places significant limitations on the Council’s “powers” through these provisions, as well as through the Purposes and Principles outlined in Chapter I. The Charter sets forth a whole range of possible actions to prevent aggression and preserve the peace. When the threat is not “imminent” Chapter VI offers measures for the pacific settlement of disputes. For deterrence and influencing the conduct of States the measures listed in Article 41 can be utilized. Only when the Council considers that the Article 41 measures “would be inadequate or have proved to be inadequate” can it invoke Article 42 measures relating to the authorization of the use of force.

21. The proposed criteria to “authorize or endorse the use of force” raise formidable problems. Who will judge the “seriousness” of the threat, considering the diversity of views among Member States? Who will determine that all non-military options/measures have been employed and exhausted? Who will ensure the non-selective application of these criteria? The double standards witnessed in the decisions and actions of the Security Council do not offer any assurance that these criteria will not be utilized arbitrarily and subjectively by powerful states mainly against weaker states. There is no need for the adoption of a resolution setting out principles on the use of force and expressing the intent to be guided by them. The Charter – and not a resolution adopted by 15 member body – should remain the final authority as to the source of legitimacy on the use of force. In any case, any reinterpretation of the Charter and existing interpretations – such as in the Declaration on Friendly Relations – should be negotiated by all UN Member States in the United Nations General Assembly.

22. The September Summit must reaffirm the Charter’s principles against the use of force contained in Article 4 (2) and the need for peaceful resolution of disputes and conflicts in accordance with the measures outlined in Chapter VI of the Charter. It should also reaffirm that Article 42 and 51 of the Charter provide the only basis for the legitimate use of force and that the authorization of the use of force under Article 42 must be limited to cases where the UN Security Council considers that the Article 41 measures “would be inadequate or have proved to be inadequate.”

23. We should clearly affirm that under Article 51 of the UN Charter use of force in self-defense is only in response to an actual attack and therefore we should reject the preemptive or preventive or protective use of force.

**Peace-building Commission**

24. Pakistan – together with a large majority of member states – has welcomed the idea of a peace-building commission. There is widespread expectation that this could be one of the major achievements of the September Event. It is important to carefully define the mandate, functions, composition and institutional linkages and location of the Commission to have optimal use and
effect. We have examined the paper circulated by the Secretary-General. We wish to offer a few comments. These will be elaborated in a working paper subsequently.

25. **Firstly**, the Commission’s mandate should cover all stages of conflict – including conflict prevention through early engagement, preventive diplomacy, humanitarian and development assistance etc.

**Secondly**, the Commission should report simultaneously, not sequentially to the Security Council and ECOSOC. Coherence between the UN organs is required at all stages, which indeed led to be genesis of the proposed Commission. Any difference of approach between the Security Council and ECOSOC could be resolved through consultations, including between the Presidents of the two bodies.

**Thirdly**, the membership of the Commission should be: 5 members of the Security Council and 10 members of the ECOSOC (to reflect the different size of the two bodies). These members should be drawn equally from the 5 regional groups. The principal financial donors and the largest troop contributing countries should be added. The Secretary-General, or his representative, the International Financial Institutions (IFI) and relevant Specialized Agencies would serve as ex-officio members.

**Fourthly**, the Commission could set up Special Working Groups dealing with specific country or regional situations. The membership of these groups could be different from the Commission itself and include relevant regional actors, civil society and private sector representatives.

**Fifthly**, the Commission should be established by the General Assembly at the September Summit.

**Sixthly**, the Commission should have the responsibility to operate the Standing Fund, under the authority of the Security Council and the ECOSOC.

**Seventhly**, we would prefer to call this the Commission for Peace-Building and Development.

**Peacekeeping strategic reserves/standby capacities**

26. We support the idea of strategic reserves. Whenever established, they should be fully under the command and control of the United Nations. For its part, Pakistan is favorably considering creating its own strategic military reserves for UN peacekeeping.

27. We support stronger relationships between the UN and regional organizations, within the framework of Chapter VIII. Their potential to contribute should be realistically assessed. Their capacities can be placed in the framework of the UN system. In addition, major TCCs also need support and assistance in enhancing their own respective peacekeeping capacities, in particular through assistance in establishing their national peacekeeping training institutes.

**Security Council Sanctions**

28. As sanctions are a means to an end as well as a relatively peaceful means of coercion, it is important to maintain the credibility of sanctions and not to use such measures as a prelude to the use of force.
29. Sanctions should be imposed with the utmost caution and only when other peaceful options are inadequate or exhausted. Wherever possible, the decision to apply sanctions should be taken after due consideration. Holding of public meetings of the Security Council before the imposition of sanctions should be institutionalized as far as possible to allow States express their views about sanctions. The threat of sanctions could be more effective than the actual imposition of sanctions and thus conditional or deferred sanctions should be considered whenever possible.

30. When imposing sanctions, they should be carefully targeted and accurate in design -- aimed at minimizing evasion as well as unintended negative effects – especially humanitarian effects. Wherever possible, pre-assessment of sanctions should be undertaken to ensure maximum compliance. To the extent possible, smart, targeted sanctions should be preferred over general, comprehensive sanctions.

31. The UN should strive to streamline and bring in greater transparency, objectivity and predictability to avoid the abuse of sanctions. This should, among others, include greater transparency in the work of the sanctions committees. Termination of a sanctions regime should be automatic in cases where either (i) the objectives of the sanctions have been achieved, or (ii) the situation on the ground which led to the imposition of the sanctions has itself change.