

Statement of H.E. Khurshid M. Kasuri Foreign Minister of Pakistan On “Justice and the Rule of Law: The UN Role” at the Ministerial Meeting of the United Nations Security Council

Mr. President,

1. I thank the UK, President of the Security Council, for this timely initiative, for organizing today's Ministerial meeting. The issue of “justice and the rule of law” is important and most relevant to the work of the UN and the Security Council.
2. We also thank the Secretary-General for his important contribution, which highlights the expertise within the UN system which will stand us in good stead in the future.

Mr. President,

3. The quest for defining and then implementing justice and the rule of law has been central to the march of civilization. It is critical to the realization of social and economic justice, and for the implementation of political, economic, cultural, religious and environmental rights.
4. Establishing the principles of justice and the rule of law is essential for the establishment and maintenance of order at the inter-state and intra-state level. Faithful application of these principles strengthens the system, while failure entails serious and often tragic consequences.
5. The relevance of justice and rule of law for international peace and security is also self-evident. Situations posing a threat to international peace and security must be dealt with by the United Nations, primarily the Security Council, in line with the principles enshrined in the UN Charter. In particular, the use of force should be consistent with the Charter's principles relating to collective security.
6. The framers of the UN charter placed the pacific settlement of disputes ahead of enforcement measures. In our quest for justice and rule of law at the international level, we must respect the framers' intent and fully operationalize the mechanisms provided for the peaceful settlement of international disputes.
7. The resolutions and decisions of the Security Council must also be implemented uniformly and without discrimination, and also with equal force irrespective of their falling within Chapter VI or Chapter VII. Selective implementation creates an unjust environment, deepening conflicts and compounding the suffering of the people. It erodes confidence in the system and undermines the UN's credibility.
8. We must also ensure consistent application of the international human rights and humanitarian law, and all the provisions of the Geneva Conventions. The international tribunals set up by the Security Council are playing an important role. They have shown that, within their scope, no one is above or beyond the reach of international law. We stress that impunity for serious crimes against humanity, including genocide, must come to an end. Responsibility for such violations must go up in the chain of command. Appropriate mechanisms should be created towards this end.
9. The international community has set new standards in dealing with the violators of international humanitarian law in Bosnia. These standards must be applied equally to other conflict situations, especially where people are under occupation or alien domination.
10. The situation in the occupied Jammu and Kashmir is a case in point, calling for the urgent attention of the international community. Over the past thirteen years, more than 80,000 Kashmiris have been killed and thousands wounded by the Indian security forces. There are innumerable cases of torture, rape and extrajudicial killings. No one has ever been prosecuted in a real manner, despite the fact that such crimes have been

extensively documented by international human rights organizations. Justice for the people of occupied Kashmir requires an end to impunity for these crimes, and their closure through the realization of their UNSC mandated right of self-determination.

11. We are all familiar with the dictum: "If you want peace, work for justice." This applies, in great measure, to the situation in Kashmir and Palestine.

Mr. President,

12. The Security Council has in recent years contributed to various aspects of justice and rule of law. This is reflected in the measures and norms instituted for the protection of civilians in armed conflict, DDR (disarmament, demobilization, reintegration) programs within the context of peacekeeping operations, and strengthening of international criminal justice. The Council and the international system must continue to build on these efforts.

Mr. President,

13. Justice and the rule of law play a really crucial role in societies emerging from conflict. In this context, financing of the reconstruction process is a critical area where much more needs to be done. The need for rebuilding national institutions and necessary infrastructure cannot be overstated, such as in Afghanistan and now in Iraq. Generous international assistance and expertise should not only be committed, but also fully delivered to post-conflict societies to create a new legal and constitutional framework, a new security and judicial structure, and in refurbishing law-enforcement capacities. Failure to provide such financial and technical support can unravel efforts for the restoration of peace and security and even cause a relapse of conflict.
14. The desired objectives in conflict and post-conflict situations can be significantly advanced with greater coordination within the UN system, in particular among major organs like the Security Council, ECOSOC, and taking into account ICJ judgments and advisory opinions. Pakistan has already proposed the establishment of ad hoc composite committees to address the complex crises in the African continent in their political, economic and social dimensions. Consideration should also be given to the creation of a separate unit to assist post-conflict states in the re-construction of their judicial systems.

Mr. President,

15. The commitment we make to strengthen and advance the international rule of law will be a lasting legacy for future generations. Today's discussion advances our dialogue on this essential need of the humanity. We have no doubt that the Council would continue to follow this subject with the commitment and seriousness that it deserves.

I thank you, Mr. President.

New York
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