

**Statement by Ambassador Munir Akram, Permanent Representative of  
Pakistan to the United Nations, to the Security Council on the occasion of  
renewal of Resolution 1422 regarding International Criminal Court**

**June 12, 2003**

**Mr. President,**

I would like to express my delegation's gratitude to you having organized this consideration of draft resolution S/2003/630 in this public meeting.

2. I would also like to welcome the statement which was made this morning to the Council by our distinguished Secretary-General. We have taken due note of his statement and views.

**Mr. President,**

3. The issue which is under consideration in the draft resolution 630 is an important one for all countries.

4. Pakistan is committed to upholding the rule of international law in accordance with the principles of the UN Charter. Pakistan also fully supports the need to provide justice to victims of crimes against humanity, genocide and other serious violations of international humanitarian law. It is only thus that we can hope to establish the rule of law in international relations.

5. Pakistan believes that international crimes, especially crimes against humanity, must not enjoy impunity. Where such crimes are committed, especially in conditions of foreign occupation or alien domination, and where state terrorism is utilized to suppress the legitimate freedom struggles of peoples, the consequent crimes must be punished. In the first instance, the actions required should be taken by the national authorities. Where all such national measures of redress have been exhausted or are unavailable or inactive, recourse can be had to available international mechanisms.

6. It was in this spirit that Pakistan had voted in favour of the Rome Statute of the International Criminal Court at the UN Conference of

Plenipotentiaries in 1998. We have noted the developments since then, especially the coming into force of the Rome Statute on 1 July 2002 and most recently of the establishment of the International Criminal Court in the Hague in March this year.

7. We hope the existence of the Court will act as a deterrent against serious violations of international humanitarian law, crimes against humanity, and war crimes.

8. However, it is unfortunate that the Rome Statute did not provide for reservations by countries. This may have ensured wider adherence to the Statute. There are several provisions in the ICC Statute with respect to which Pakistan has certain concerns. These include the mechanism for the initiation of proceedings, provisional arrest, the provisions dealing with armed conflicts not of an international character and the question of immunity of the Heads of Government or State.

**Mr. President,**

9. Pakistan is the largest contributor to the UN peacekeeping operations. We believe that UN peacekeepers should not be exposed to any arbitrary or unilateral action by any national or international body. This possibility could further reduce the incentives for Member States to offer UN peacekeeping forces. Pakistan reserves for itself the right to adjudicate in cases involving Pakistani peacekeepers in all peacekeeping operations and duties. This is the primary concern which has inspired the present draft resolution as we understand it, no matter how unlikely the circumstances it envisages. Therefore, Pakistan supports the objective of the draft resolution.

10. We, of course, understand and respect the position taken by those States which have expressed reservations regarding the renewal of resolution 1422. We believe that annual renewal may be avoided in future through separate arrangements.

11. While supporting this draft resolution, Pakistan strongly adheres to the position that the Security Council, despite its wide authority and responsibilities, is not empowered to unilaterally amend or abrogate international treaties and agreements freely entered into by sovereign states. The powers of the Security Council are constrained under Article

24(2) of the UN Charter, which obliges it to discharge its duties in accordance with the purposes and principles of the UN Charter. Article I of the Charter provides that measures to maintain international peace and security shall be and I quote “in conformity with the principles of justice and international law.” The Council’s decisions cannot and do not override these provisions of the Charter.”

\*\*\*\*\*