



Permanent Mission of
Malaysia
to the United Nations

STATEMENT BY

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PERMANENT REPRESENTATIVE OF MALAYSIA
TO THE UNITED NATIONS

AT

THE INFORMAL THEMATIC CONSULTATIONS
OF THE GENERAL ASSEMBLY

ON

THE REPORT OF THE SECRETARY-GENERAL ENTITLED "IN
LARGER FREEDOM: TOWARDS DEVELOPMENT, SECURITY
AND HUMAN RIGHTS FOR ALL" (A/59/2005)

CLUSTER III: FREEDOM TO LIVE IN DIGNITY

NEW YORK
WEDNESDAY, 20 APRIL 2005

(Please check against delivery)

Mr. Co-Facilitator,

At the outset, I wish to underline that Malaysia fully subscribes to the statement of the Non-Aligned Movement delivered yesterday by the Chairman of the NAM Coordinating Bureau. However, I wish to take this opportunity to offer Malaysia's own perspectives on a few issues raised by the Secretary General in his report being considered in Cluster III of this current phase of the consultations.

2. The Secretary General has expressed the view in his report that he believes that decisions should be made in 2005 to strengthen the rule of law internationally and nationally, enhance the status and structures of the human rights machinery of the United Nations and more directly support the efforts to institute and deepen democracy in nations around the globe. We can generally concur with this view. However, we would like to see more details emerge on this before we can agree on them. As part of his recommendation for decisions in September, the Secretary General has urged Heads of State and Government to reaffirm their commitment to human dignity by action to strengthen the rule of law, ensure respect for human rights and fundamental freedoms and practice democracy so that universally recognized principles are implemented in all countries. My delegation thinks that this general recommendation merits positive consideration.

Rule of Law

3. Malaysia concurs with the Secretary General's view in paragraph 133, that "every nation that proclaims the rule of law at home must respect it abroad and that every nation that insists on it abroad must enforce it at home." However, we do believe that the application of the rule of law in the international context must be based on the principles and purposes enshrined in the UN Charter.

Responsibility to Protect

4. My delegation concurs with the Non Aligned Movement that there should be more discussions on the concept of responsibility to protect and its implications on the principles on non-interference and non-intervention as well as respect for the territorial integrity and national sovereignty of States. The Secretary General in paragraph 135 of his report has proposed that the enforcement mechanism follows the criteria prescribed by the High Level Panel for the use of force. In addition the Secretary General has also proposed that the Security Council adopt a resolution setting out these principles and expressing its intention to be guided by them when deciding whether to authorize or mandate the use of force. We would have difficulty with this and would like to see further clarification.

UN Treaty Event

5. Malaysia commends the Secretary General for his continued effort to organize the Treaty Event with specific themes for each year. We welcome the emphasis this year on human rights, refugees, terrorism, organized crime and the law of the sea.

Malaysia supports the Secretary General's call and the Government of Malaysia will make every effort to cooperate in this regard, taking into account our national interest, priorities and capacity as well as our constitutional and legislative requirements.

Mr. Co-Facilitator,

International Court of Justice

6. Malaysia supports the Secretary General's recommendation for States to recognize the important role of the International Court of Justice in adjudicating disputes among countries as well as for them to agree to consider means to strengthen the work of the Court. Countries have benefited from the adjudication of disputes by the Court. In this regard, Malaysia supports the call for States to respect every decision of the Court including its Advisory Opinions. It is self evident that if the international community wishes to resolve and prevent conflicts in a peaceful manner, it needs an impartial third party that is competent to deal with the relevant legal questions. The Court has undoubtedly played an important and influential role in the promotion of peace and harmony between nations and peoples of the world through observance of the rule of law, by helping to resolve disputes between States through legal means, and by giving advisory opinions on legal questions referred to it in accordance with international law. Malaysia recognizes this role and expresses full confidence in the Court's competence and ability to discharge itself as the principal judicial organ of the United Nations as stipulated in the Charter of the United Nations and Statute of the ICJ.

Human Rights

7. Malaysia attaches great importance to the promotion and protection of human rights. It is certainly the primary responsibility of States to promote and protect human rights of all their citizens. But we have to recognize that this responsibility cannot be achieved when the environment is not conducive while resources and technical capabilities are lacking. Malaysia would like to see the creation of a national and international environment that is just and equitable, which would contribute to the better enjoyment of human rights for all. However, it must be noted that while the rights of individuals should be ensured, this cannot be done while compromising the rights of the majority as well as the security and well being of the nation.

8. Malaysia would like to echo the concerns raised by the Non-Aligned Movement and several other countries on the non-representation and under-representation of several Member States especially from developing countries in the staffing of the Office of the High Commissioner for Human Rights.

Democracy

9. Malaysia continues to be against a prescriptive approach to democracy. We do not believe that there exists one immutable form of democracy to suit all situations. As the world is made up of nation states which have numerous communities in

various stages of development, it is natural to expect that their concepts of human rights and democracy would differ. As such we cannot be selective on which human rights to promote and protect or target particular countries for alleged violation of human rights while allowing others to act with impunity. Similarly, we cannot promote democracy without taking into consideration the divergence of views among us.

10. With regard to the promotion of democracy, Malaysia has since its independence subscribed to a democratic political system. This system has ensured stability and progress in the country's economic development. We have had free and fair elections eleven times on a regular basis since 1955. This system is now matured and it can be serve as a model of a successful democratic country in the developing world. However, democracy should not have a one-size-fit-all approach. It must take into account historical, cultural, social, religious and other factors.

11. We also believe that democracy must be established and spread in the international system, in particular at the United Nations. We will discuss this under Cluster IV.

Democracy Fund

12. In principle, my delegation can support the establishment of a Democracy Fund. However, we think that all of us have to be mindful of the need to ensure that the fund is used in such a manner that it would not create negative implications. The fund should be based on voluntarily contributions and must be managed in a manner that takes fully into account democratic principles, i.e. full participation, transparency and non-discrimination.

13. At the practical level, technical assistance to be given to strengthen democracy, whether it falls within the ambit of the Democracy Fund or otherwise, must be subject to clearly established criteria as follows:-

- i. It must be at the request of the country concerned;
- ii. It must be provided in a fair, transparent and non-discriminatory manner;
- iii. It must be demand driven, i.e. it must correspond to the overall social and political needs of the country concerned.

Culture of Peace

14. My delegation fully supports the call by the Non-Aligned Movement for the promotion of a culture of peace to be considered as part of the outcome of the High-Level Plenary Meeting. We subscribe to the arguments already put forth by NAM. The achievement of the goals of freedom to live in dignity, in our view, must also take into account the promotion of a culture of peace globally. Without peace the universal values of respect for the rule of law as well as human rights and

fundamental freedoms cannot be meaningfully observed, and democracy cannot truly flourish.

15. In conclusion let me reiterate Malaysia's commitment to provide its fullest cooperation to the President and the Facilitators to ensure the success of our endeavour.

Thank you,

