



Permanent Mission of
Malaysia
to the United Nations

STATEMENT BY

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REPRESENTATIVE OF MALAYSIA

ON

AGENDA ITEM 71(b): HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE
APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

AGENDA ITEM 71(c): HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL
RAPORTEURS AND REPRESENTATIVES

AGENDA ITEM 71(e): REPORT OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

AT

THE THIRD COMMITTEE OF
THE 60TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY
NEW YORK

MONDAY, 31 OCTOBER 2005

(Please check against delivery)

Mr. Chairman,

1. My delegation would like to thank the High Commissioner for Human Rights Ms Louis Arbour for her report, and her presentation on the Plan of Action of the High Commissioner and its implementation. We have taken note with interest a number of activities to be undertaken by the High Commissioner and the Office of the High Commissioner for Human Rights (OHCHR) that we believe would contribute further to the efforts in promoting human rights. At this juncture, I wish to reiterate Malaysia's pledge of support and cooperation for the Office of the High Commissioner in its mandate to promote and protect human rights.

Mr. Chairman,

2. My delegation welcomes the new approaches promoted in the Plan of Action to respond to today's realities and challenges in the area of human rights, and the proposed strengthening of the planning and management capacities of OHCHR. With this Plan of Action we hope that the Office will be able to assume its responsibilities while mindful of the close and intricate inter-relationship between development, security and the protection and promotion of human rights. The development and security agendas of the United Nations should indeed figure prominently in the High Commissioner's strategic vision for the human rights programme. Indeed, it is certainly true that poverty, discrimination, armed conflict, impunity, democratic deficits and institutional shortcomings are among the key human rights challenges facing humanity today. In this respect, my delegation is pleased that the Plan of Action has taken cognisance of the linkages of development and security with the ultimate aim of achieving protection and promotion of human rights.

3. My delegation also thanks Ambassador Salama, Chairperson of the Working Group on the Right to Development for his presentation to the Committee last Thursday. My delegation is pleased to note the recent developments taking place in relation to the implementation and furtherance of the right to development, within the context of the Working Group as well as in the Commission on Human Rights. We hope that these positive developments will continue and grow in momentum in the years ahead.

4. The mainstreaming of human rights into development efforts is a concept distinct from the mainstreaming of the right to development in the promotion and protection of all human rights. As defined by the Independent Expert, the right to development is a right to a particular process of development in which "all human rights and fundamental freedoms can be fully realized". The realization of the right to development is seen as the fulfilment of a set of claims by people, principally on their State but also on the society at large, including the international community, to a process that enables them to realize the rights and freedoms set forth in the International Bill of Human Rights in their totality and as an integrated whole. In effect, the realization of all these interdependent rights depends on the availability of resources and the access of people to such goods and services as are necessary to support the enjoyment of those rights.

Mr. Chairman,

5. It is not possible to ignore the plight of the Palestinians in the Occupied Territory and the violations of human rights perpetrated by the occupying forces. The blatant and unabated violation of the human rights of the Palestinian people by the occupying forces in the Occupied Territories, must not be allowed to continue. The inhumane treatment and suffering inflicted upon the Palestinians, especially women and children, and the destruction of their land and property and essential sources of livelihood deserve the urgent attention of the international community. In the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967, Mr John Dugard highlighted that during the past year, Israel's decision to withdraw Jewish settlers and troops from Gaza has attracted the attention of the international community. Unfortunately, this focus of attention on Gaza has allowed Israel to continue with the construction of the separation wall in Palestinian territory, the expansion of settlements and the de-Palestinization of Jerusalem with virtually no criticism. Despite the withdrawal by Israel from Gaza, the humanitarian situation there continues to worsen.

6. In its advisory opinion of 9 July 2004, the International Court of Justice pronounced that the separation wall built by Israel in the Occupied Palestinian Territory is contrary to international law. It accordingly held that construction of the wall should cease and that those sections of the wall that had been completed in the Occupied Palestinian Territory should be dismantled. It is most regrettable that the Government of Israel has paid no heed to the advisory opinion and continues with the construction of the wall. The wall has serious consequences for Palestinians, which deprives and violates their human rights. Thousands of Palestinians are separated from their agricultural lands by the wall and are denied permits to access their lands. Even those who are granted permits frequently find that gates within the wall do not open as scheduled. As a result, Palestinians are gradually leaving land and homes that they have occupied for generations.

7. The Advisory Opinion of the International Court of Justice, endorsed by the General Assembly on 20 July 2004, condemned as illegal not only the construction of the separation wall but many other policies of the Israeli administration of the Occupied Palestinian Territory. Regrettably, since then little effort has been made by the international community to compel Israel to comply with its legal obligations as expounded by the International Court.

8. My delegation would like to urge the more influential Member States of the United Nations to do their utmost in persuading Israel to take immediate steps to end violations of the human rights of the Palestinians in the Occupied Territories.

Mr. Chairman,

9. Special procedures, as independent experts, serve as "the eyes and the ears" of the Commission of Human Rights. Malaysia believes that special procedures play an important role in the promotion and protection of human rights world-wide. In the furtherance of their mandate, it must be ensured that the special procedures would operate under the principles of fairness, objectivity and non-selectivity so that their credibility would be greatly enhanced and their mandate respected. Further, it must be borne in mind that independent experts are appointed to fulfil a particular mandate, and that Member States expect those mandates to be adhered to. It is in this spirit that the Malaysian Government constantly engages with the experts on how to further improve the fulfilment of their mandate.

10. Malaysia is a firm believer of the protection and promotion of human rights. This is a fundamental principle followed since the very inception of Malaysia as a sovereign entity. Our leaders have made it an essential point that the guarantee of the individual's fundamental rights and liberties would be a cornerstone of governance, while maintaining the central importance of society. The rights of every citizen are enshrined in the Constitution, and protected by legal provisions.

Thank you, Mr. Chairman.