



Malaysia

Permanent Mission to the United Nations

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**STATEMENT BY
H.E. AMBASSADOR HUSSEIN HANIFF,
PERMANENT REPRESENTATIVE OF MALAYSIA TO THE UNITED NATIONS
ON 'RESPONSIBILITY TO PROTECT' AT THE INTERACTIVE DIALOGUE OF
THE GENERAL ASSEMBLY OF THE UNITED NATIONS
NEW YORK, 11 SEPTEMBER 2013**

Mr. President,

I wish to express my delegation's appreciation for convening this informal interactive dialogue, which enables all Member States to express their views and sentiments on the subject of Responsibility to Protect. We wish to thank the Secretary General for his report A/67/929 entitled "State responsibility and prevention". We also wish to take this opportunity to congratulate Ms. Jennifer Welsh on her appointment as Special Adviser on the Responsibility to Protect.

Mr. President,

2. Since the World Summit in 2005, there have been several interactive dialogue sessions on R2P such as this. Upon following these sessions, we notice that there are great differences in views and opinions on the concept. However, R2P would need to be understood in the same manner before we can consider it a norm. Hence, a genuine consultative process would need to take place in which the views of all delegations, be they proponents or harsh critics, would need to be addressed thoroughly prior to moving forward. This would also take time and as such, we should not be rushed into operationalizing the concept.

3. Malaysia's views and position on the concept remains the same. My delegation has great difficulty in accepting the free application of the three pillars. We wish to remind that Chapter VII of the UN Charter can only be used when there is a "manifest failure" by the State to protect its civilians. Thus, how can we invoke Chapter VII under R2P for preventive purposes?

4. Another concern is the selectivity and double standards that would exist in the application of the concept. Just going by the latest report of the Secretary General, we can observe several references made to the situation in Syria. While my delegation regrets the senseless loss of life and the destruction that has ravaged the country, we are also concerned with the suffering of generations of Palestinians. Yet, there was no reference made to the situation in the Occupied Palestinian Territory (OPT).

Mr. President,

5. We can agree that States have a responsibility to prevent mass atrocity crimes from occurring. On this, we welcome some of the risk factors identified and policy options recommended in the report. Nevertheless, we must bear in mind that every country differs in terms of political system; historical background; religious, ethnic and cultural make-up; and, socio-economic conditions. Thus, risk factors identified and the way forward cited should be merely a guideline, as some elements of the report cannot be applied to all countries consistently.

6. Furthermore, it is presumptuous to think that human rights emergencies may lead to the four crimes associated with R2P. To link the promotion and protection of human rights to the concept of R2P, accompanied by the argument that all three pillars should be used freely and in tandem, would allow for the use of measures under Chapter VII for perceived human rights violations. As agreed in the World Summit in 2005, R2P should only be limited to preventing the four mass atrocity crimes identified and not more.

7. Nonetheless, Mr. President, Malaysia has taken and will continue to take steps to ensure that atrocity crimes do not take place within our borders. This is clearly evident through our laws and policies. The "1Malaysia" concept for example, is premised on the belief that Malaysia's strength lies in its diversity, not otherwise. We celebrate each other's religious festivities and allow the building of various places of worship. We also have Malay, Chinese and Tamil schools. Even the Government is made up of an alliance of political parties that represent all the major ethnic groups in the country. This ensures that all are given the opportunity to have a voice and a stake in the running of the country. We are committed to uphold and protect human rights as demonstrated in the abolishment and amendments of various laws. In fact, we have also gone to the extent of actively supporting peace efforts in neighboring countries.

Mr. President,

8. In principle, Malaysia welcomes the noble intentions that R2P intends to accomplish, namely, to ensure that unspeakable tragedies such as those witnessed in Rwanda, Srebrenica and Kosovo are never repeated. However, while the international community agrees on the need to prevent mass atrocities from reoccurring, many questions remain on the application and implementation of R2P. In this regard, we cannot emphasize enough on the need for all Member States to be given the opportunity to engage in a frank discourse, in which all concerns are addressed comprehensively.

I thank you.