



Malaysia

Permanent Mission to the United Nations

(please check against delivery)

**STATEMENT BY H.E. AMBASSADOR HUSSEIN HANIFF,
PERMANENT REPRESENTATIVE OF MALAYSIA
TO THE UNITED NATIONS
ON 'RESPONSIBILITY TO PROTECT' AT
THE INTERACTIVE DIALOGUE AT CR4 (NLB)
OF THE UNITED NATIONS
NEW YORK, 5 SEPTEMBER 2012**

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 introducing his report A/66/874 entitled "Timely and decisive response". We also wish to take this opportunity to congratulate Mr. Adama Dieng on his appointment as Under Secretary and Special Adviser on the Prevention of Genocide.

Mr. President,

2. Since the World Summit in 2005, there has been some debate on the issue of R2P. Despite this, we feel that R2P is still a relatively new concept, one that requires greater deliberation. The principle of R2P would need to be understood in the same way by all parties before we can consider it as an accepted concept that has been applied. Judging from previous debates on the matter, this is certainly not the case.

3. My delegation cannot stress enough the need for chronological sequencing in the application of the three pillars. It is only with this can we ensure that the use of force is truly the last resort. While we agree that there needs to be a certain amount of flexibility in the application of the concept, we fail to fathom how the international community can use coercive measures including force first before allowing the State the opportunity to fulfill its responsibility or even rendering assistance for it to do so.

4. On the application of the concept, the biggest challenge continues to be the selectivity and double standards practiced. There are instances when some fail to fulfill its responsibility to protect the people from mass atrocities. Yet, no action is taken against them in any shape or form. Therefore, the question begs – who determines when a population is at risk of the four crimes and, under what circumstances should R2P, in particular pillar three, be invoked?

Mr. President,

5. My delegation welcomes the identification of tools that are available for the implementation of the concept especially on a host of peaceful means identified. We also agree with the need to work with regional organizations in assisting States to fulfill their responsibilities, as regional organizations and neighboring States have a more nuanced understanding of the history, culture as well as the political and economic situation in a particular State. However, it must not be forgotten that every region differs, as do the scope and authority of the organizations. Thus, there cannot be a single benchmark for all regional organizations to follow.

6. Malaysia also welcomes the concept note prepared by Brazil entitled "Responsibility while protecting". We believe that in applying R2P, the international community must also act responsibly. At the same time, we must also ensure the elements of accountability and transparency are upheld as well.

Mr. President,

7. By law, a crime would need to be committed in order for it to be considered a crime. While we reflect on the application of R2P, if indeed it has been applied, we do so with the benefit of hindsight. Therefore, unless we are able to tell the future with absolute certainty, it will be difficult to hold a State responsible for not acting for a crime that has yet to be committed. At the same time, there are many questions that have yet to be answered such as when to act, how to act and who determines this in the first place? Similarly, when non-State actors commit one or more of the four crimes, would the State then be held responsible for those crimes committed? Wouldn't the State also have an obligation to restore order to ensure that further crimes are prevented?

8. It is due to these questions and more that we are rather cautious in moving forward on this concept. As such, the General Assembly would need to discuss and determine the parameters, content and framework of the concept including the relationship between the three pillars. Only then can we hope of having a better understanding among Member States on what R2P is. This should be done through a genuine consultative process where the views of all states are taken into consideration. My delegation looks forward in engaging in such a process.

I thank you.