



# MALAYSIA

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**Statement by**  
**The Honourable Dato' Seri Syed Hamid Albar**  
**Minister of Foreign Affairs of Malaysia**  
**At**  
**The High-Level Segment of the**  
**Sixty-First Session of the Commission on Human Rights**

**14 March 2005**  
**Palais des Nations, Geneva**

**Permanent Mission of Malaysia**  
**to the United Nations Office and**  
**other International Organisations**  
**Geneva**

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Mr. Chairman,

Madam High Commissioner,

Excellencies, Ladies and Gentlemen,

The Malaysian Delegation extends to you, Mr. Chairman, our congratulations on your election as Chairman of the Sixty-first Session of the Commission on Human Rights. We are confident that with your experience and skills, you will be able to guide the proceedings of the Commission to a successful conclusion. Our congratulations also go to the other members of the Bureau on their elections. We will work closely with you and the Bureau to achieve this objective.

2. Let me also extend our felicitations to Ms. Louise Arbour, the High Commissioner for Human Rights. We are confident that the High Commissioner will provide the leadership and renewed vigour to the work of her Office in the promotion and protection of human rights worldwide.

3. It is indeed a great honour for Malaysia to be elected once again to the Commission on Human Rights. We fully appreciate the support for and confidence in Malaysia to serve in this Commission. Malaysia stands ready to work closely with other Member States in addressing effectively and constructively the challenging tasks before this Commission during and beyond this six-week session.

Mr. Chairman,

4. Truly we live in a world of diversity. We come from different cultural and religious backgrounds, distinct historical and national circumstances and varying levels of development. Indeed, in the midst of unprecedented wealth creation as well as dynamic social, scientific and technological advancement, there are hundreds of millions who continue to subsist in situations of poverty, fear, discrimination, intolerance, oppression, violence and preventable diseases. The traditional threats we have to deal with have been exacerbated by new ones, including terrorism and the manner it is currently addressed, as well as new theatres of conflict. For most, the prospect of achieving the Millennium Development Goals is

hardly promising. This growing disparity and inequality as well as the plainly desperate circumstances demonstrate most clearly that we are no nearer to realizing human rights for all without distinction.

5. If we are to achieve social progress and better standards of life in the larger freedom, as enunciated in the Universal Declaration of Human Rights more than 50 years ago, we must strengthen the global partnership in dealing with the magnitude of the challenges before us. And this should be undertaken in a sustained and focused manner. We must hasten the process in creating both national and international environment that are just and equitable, which would contribute to the better enjoyment of human rights for all.

6. We can indeed take some pride that we have come a long way in developing broader consensus on human dignity. We have already in place a long list of international standard-setting instruments in the field of human rights. Certainly these represent hard-won achievements. Yet these common standards set for all peoples and all nations are still illusory for most.

7. 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. In such a situation, relevant actors within the international community including the civil society, have appropriate roles to play. They can contribute their efforts and resources to strengthening the capacity of national governments in ensuring that their people live in dignity and freedom.

Mr. Chairman,

8. Malaysia will work with other parties towards transforming and continually adapting human rights machinery to current and future needs in the promotion and protection of human rights. Malaysia, together with other member countries of the Non-Aligned Movement, are participating in the reform process especially in the light of the Report by the High-Level Panel on Threats, Challenges and Change. We are approaching this process constructively while taking into account the interests, concerns and priorities of developing countries as well as the balance provided by the United Nations Charter, the principles of international law and international humanitarian law, the Millennium Declaration and relevant United Nations resolutions.

9. Here we would like to make some preliminary observations. As far as the general recommendations relating to the Commission of Human Rights made by the Panel, Malaysia is disappointed with the rather limited manner in which the Panel has addressed the issue of human rights. The Panel did not address the factors contributing to existing culture and mindset in dealing with human rights issues. And despite acknowledging the worsening situation of developing countries with regard to health, social and economic prospects, we note that the Panel said very little of measures for their alleviation. It must be emphasized that poverty,

underdevelopment, marginalisation and instability engender social and economic exclusion and the violation of human dignity and human rights. We recall that the universality and indivisibility of all human rights have been accepted as far back as 1993, at the Vienna World Conference on Human Rights.

10. We question the assertion of the Panel that universal membership of the Commission would address the eroding credibility and professionalism of this body. It is the exercise of double standards, selectivity and hidden political agenda in addressing human rights issues, which has resulted in the Commission being what it is today. We note that the Panel has not taken into account systemic problems within the United Nations that would arise from a universal Commission, including its relationship with an already universal Third Committee of the General Assembly. If such treatment is accorded to the Commission on Human Rights, we believe this must also apply to other functional commissions of the Economic and Social Council, which undertakes consideration of equally important and serious issues.

11. On the proposed designation of prominent and experienced human rights figures as Heads of Delegation to the Commission, we take the view that this issue does not arise as we have always been represented by qualified representatives. We also take view that the Commission, comprising representatives of sovereign governments, is capable and has the capacity to organize its work without having its responsibilities subsumed by an independent council or panel. Further, we would like elaboration on how this council would impact on the work of the Sub Commission on the Promotion and Protection of Human Rights as well as on the status of existing special mechanisms.

12. Given the capacity of the Office of the High Commissioner, we must give serious thought before we proceed with the recommendation on the preparation of an annual report on the situation of human rights worldwide. We wish to underline that such a report, if it were to be prepared, must be fair, objective, impartial as well as substantiated. In view of the varying human rights perspectives and different political, historical, social, religious, cultural and developmental characteristics, this undertaking is indeed complex and challenging.

13. As far as the recommendation that the High Commissioner reports to the Security Council and the proposed Peace-building Commission, we are of the view that the High Commissioner should continue to be reporting to the General Assembly, which is a universal body of the United Nations responsible for matters relating to human rights. However, we do not exclude the High Commissioner reporting to the Security Council in cases of breaches of international peace and security, which lead to gross and serious violations of human rights, such as genocide.

Mr. Chairman,

14. Aside from the issues raised by the Panel, whose overall thrust seems to have the effect of diminishing the role of national governments and particularly of

developing countries, we would like to underscore a number of important observations pertaining to the current approach on the promotion and protection of human rights.

15. Malaysia regards the heightened interest on human rights in the world today as a positive development. However, it is a matter of concern to us that certain countries exploit the issue to promote their narrow agenda. 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.

16. The international community has accepted in Vienna in 1993 that all human rights are universal, indivisible and interdependent and interrelated – that political, civil, cultural, economic and social human rights have to be pursued in their entirety. Accordingly, we have to develop comprehensive and innovative approaches, through dialogue and cooperation, to assist one another to meet the high standards we have adopted. We should at all time avoid sanctimonious and confrontational approaches.

17. We note, for instance, country-specific resolutions under agenda item 9 of the Commission, some pre-dating years before, have yet to bear fruit. This underlines the questionable effect of this approach. Instead, in most cases, it has resulted in polarisation and detrimental outcome. We believe that technical cooperation and assistance, particularly in the areas of national capacity building and human rights education, would be more constructive. Here we see a significant role and contribution that can be made by the Office of the High Commissioner and Governments in building partnerships.

18. We share the views of others who believe that the special mechanisms of the Commission could be further strengthened. In the light of the constraints, we believe that any further development of new mechanism or procedure should be carefully considered.

Mr. Chairman,

19. A comprehensive approach to human rights issue also requires the Commission and the Office of the High Commissioner, to take concrete measures that would result in the realization of human rights for Palestinians, including their right to self-determination. We should not turn a convenient blind eye to their ongoing sufferings. We are encouraged by developments in recent weeks and hope that these would lead to serious and sustained efforts towards the two States solution, as envisaged in the Road Map. The parties directly engaged in the peace process should remain fully committed to this goal. And the Commission should play its part in contributing to ending the Israeli occupation, including its continued construction of the expansionist Wall and settler colonialism. The continued haplessness of the Commission serves only to undermine its own credibility.

20. Further, a comprehensive approach to human rights issue requires respect for all religious and cultural values. We view any effort to create new rights which are incompatible with religious values as divisive and confrontational, and should be avoided. Like many others, we are really concerned at the increasing trend in the defamation of Islam and the profiling of Muslims. We urge the Commission to take a firm stand on this matter.

Mr. Chairman,

21. Human rights in Malaysia are explicitly protected in the Constitution and legislation as well as the policies and measures of the Government. This approach is aimed at promoting racial harmony and equitable socio-economic development. The rights of individual are ensured without compromising the rights of the majority as well as the security and wellbeing of the nation. It is within these broad parameters that we advance human rights in our country.

22. Malaysia's commitment to the protection and promotion of human rights of our people has been reflected in the consistent and concerted efforts by the Government to advance the wellbeing and welfare of Malaysians. Over the past 47 years, we have successfully nurtured a generally harmonious society from multi-ethnic, multi-cultural and multi-religious communities, through people-centric development and participatory processes. Through our sustained efforts, we have thus far successfully achieved seven (7) out of the eight (8) Millennium Development Goals. At the same time, we give equal emphasis to the spiritual development of our people to enable them to develop their full potential.

Mr. Chairman,

23. The promotion and protection of human rights is a continuous process. Given their national circumstances and level of development, some have done better than others. But none can lay claim to a perfect record. There is always room for improvement. We must therefore work constructively together to realize the ideals that we have aspired for ourselves.

Thank you Mr. Chairman.