Malaysia

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Permanent Mission to the United Nations

STATEMENT BY

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ON

AGENDA ITEM 105(b): HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

AGENDA ITEM 105(e): REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

AT

THE THIRD COMMITTEE OF
THE 59TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY
NEW YORK

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Mr. Chairman,

1. Allow me, at the outset, to extend sincere congratulations from my delegation and my government to Ms. Louise Arbour on her appointment as the new United Nations High Commissioner for Human Rights. Ms. Arbour's long and distinguished academic and judicial career, as well as her extensive knowledge in the dual areas of law and human rights, civil liberties and gender issues will serve her well in her new position. We are confident that the Office of the High Commissioner for Human Rights, and the United Nations as a whole, will benefit from having a person with such an impressive record of achievements and expertise. I wish to reiterate Malaysia's pledge to continue to work closely with the Office of the High Commissioner to promote and protect human rights and to extend to her our fullest cooperation.

Mr. Chairman,

2. We are encouraged by the attention and level of support the High Commissioner has pledged towards furthering the implementation of the right to development. However, like the delegation of India before us, we are curious about the High Commissioner's understanding of this right and we seek to clarify this. It is our belief that 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.

3. Based on the information provided by Ambassador Salama, Chairperson of the Working Group on the Right to Development in his presentation to the Committee last Friday, my delegation is pleased to note the recent developments taking place in Geneva 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.

Mr. Chairman,

4. In accordance with General Assembly resolution 58/186, the Special Rapporteur of the Commission on Human Rights on the right to food has once again drawn our attention to the continuing destruction and expropriation of Palestinian land and crops by the Israeli occupying forces through ruthless military operations and the construction of the illegal separation wall through Palestinian land. The blatant and unabated violation of the human rights of the Palestinian people by the occupying forces in the Occupied Territories, including their right to food, 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.

5. 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 rights of the Palestinians in the Occupied Territories. At the same time, we express our serious concern over the activities by private actors, particularly international corporations, which could

be construed as abetting the violation of human rights perpetrated by the occupying forces in the Occupied Palestinian Territories. In this connection, we commend the Special Rapporteur for drawing the attention of the Caterpillar corporation, which supplied modified armed tractors to the occupying forces, to the relevant provisions of resolution 2004/19 of the Commission on Human Rights.

Mr. Chairman,

6. My delegation would also like to take this opportunity to extend our deepest appreciation to Mr. Theo van Boven, the Special Rapporture on Torture, who has announced that he would retire on 1 December 2004. Mr. van Boven has made a career out of his dedication to the cause of promoting and protecting human rights, to the benefit of the international community. We wish him well in his "retirement", though we are confident we would not be hearing the last of him as a human rights advocate.

7. Like Mr. van Boven, my delegation too believes that 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.

Mr. Chairman,

8. 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. Malaysia's commitment to human rights has been further demonstrated through the establishment of the National Commission on Human Rights (SUHAKAM).

9. In an effort to streamline and better coordinate the Malaysian Government's response to human rights issues, an Inter-Agency Coordinating Committee has been set up at the national level. The Committee is headed by the Ministry of Foreign Affairs. Among others, the Committee is tasked to undertake comprehensive studies concerning proposals for Malaysia to become party to international human rights instruments. Malaysia is currently deliberating on acceding to the Convention on the Elimination of All Forms of Racial Discrimination and the Convention Against Torture.

Thank you, Mr. Chairman.