



MALAYSIA

PERMANENT MISSION TO THE UNITED NATIONS



CANDIDATE
to the
UNITED NATIONS
SECURITY COUNCIL
for the term 2015-2016

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**STATEMENT BY
H.E. AMBASSADOR HUSSEIN HANIFF
PERMANENT REPRESENTATIVE OF MALAYSIA TO THE UNITED NATIONS
AT THE SECURITY COUNCIL DEBATE ON
“PROMOTING AND STRENGTHENING OF THE RULE OF LAW IN THE
MAINTAINANCE OF INTERNATIONAL PEACE AND SECURITY”
NEW YORK, 19 FEBRUARY 2014**

Mr. President,

At the outset allow me to join the others in welcoming Your Excellency Linas Linkevičius, Minister of Foreign Affairs of Lithuania, to New York. I would also like to thank you for the convening of this open debate. We also take this opportunity to thank His Excellency Mr. Ban Ki-moon, Secretary General of the United Nations for giving us a briefing on this important subject matter.

Mr. President,

2. Just a week ago, this Council convened an open debate on the state of the protection of civilians in armed conflict and how the UN peacekeeping missions can further enhance the protection of civilians who are trapped in harms way. We believe that an important element in making UN Missions, whether they are peacekeeping or special political missions, effective, is through the strengthening in the promotion of the rule of law.

Mr. President,

3. Malaysia shares the view that designing peacekeeping and special political missions' mandates would play an important part in addressing the root causes of the conflict. The design of mandates is crucial in order to ensure relevancy between the Mission and the challenges prevailing in the host country. Mandates should not only be thematic in nature, but must be clear, measurable and achievable. The Secretary General's report, as in document S/2013/341, recommends that more must be done to measure the Organization's effectiveness in the area of rule of law due to weak monitoring and evaluation frameworks. While Malaysia is not ignorant to the complication of such task, nonetheless, we believe that it is imperative for the Security Council to address this matter.

4. When designing mandates on promoting the strengthening of the rule of law, the principle of national ownership must be seriously taken into consideration. The process must be inclusive to include the views of local authorities, civil societies and the public. Whether the activities are political dialogues, reconciliation process or peacekeeping, the involvement and commitment by local actors and authority cannot be put aside. This is important as peace-making activities would begin during the presence of UN Mission and would eventually be led by local stakeholders in the later phases.

5. My delegation reiterates that there is no one size fits all approach to the process of designing mandates. While the rule of law is paramount in instilling public order in countries with conflict, mandates must be specifically tailored to the challenges and needs of the host country. We view that consultations with troop and police contributing countries is as important part of the process in the drafting of mandates and would contribute in identifying relevant sequencing and methods in implementing activities.

Mr. President,

6. My delegation understands that the development of resilient security, justice institutions and capacity building in countries in conflict has been difficult and complex. We are encouraged with the work of the UN Rule of Law Unit in streamlining security, justice and correction sections in all UN missions to support rule of law activities.

7. Nevertheless, we would like to underline the importance of reflecting cultural and religious sensitivities when carrying-out rule of law activities in the host country. We must be mindful that with 15 peacekeeping operations and 37 special political missions, the issue of cultural and religious sensitivities is vital to the success of these missions. To illustrate it simply, conducting capacity building courses during prayer time would hit a sensitive nerve in certain communities, similarly convening meetings during religious holidays.

Mr. President,

8. The nexus between peacekeeping and peacebuilding is undeniable as reflected in UN Security Council resolution 2086(2013). Malaysia is of the view that peace and security can only be assailed through a balanced and integrated approach from the deployment of peacekeeping and special political missions to the involvement of the Peacebuilding Commission.

9. Promoting the strengthening of the rule of law in international peace and security must be done in an integrated manner. We should not single-out rule of law as the sole important pillar when supporting countries in conflict. Often, countries in conflict require security and economic development to be established hand in hand. We must be careful that developing a justice, security and corrections institutions require that the host country has attained political stability and economic growth. This is important as governance and rule of law are interdependent and not exclusive.

10. We are encouraged at the progress achieved in countries in transition under the Peacebuilding Commission's agenda. As a member to the Commission, these countries have demonstrated political will and commitment to transcend from conflict to stability. With the continued international attention, my delegation believes that they would progress further. This synergy between UN Missions and the Peacebuilding Commission could also be strengthened further when undertaking mandates in promoting and strengthening of the rule of law.

Mr. President,

11. The rule of law accords all States equal respect in international relations. Respect to the UN Charter is paramount in ensuring international peace and security. Without the rule of law there will not be a United Nations, and the world would fall into disarray of competing nation-states. In this regard, my delegation views that the work of promoting the rule of law is equally important at the international and regional levels.

12. Regional organizations play an important role in the promotion of rule of law in supporting peace and security. As a member of the Association of Southeast Asian Nations (ASEAN), Malaysia is part of the regional effort to promote the principle of the rule of law, which is included in the ASEAN Charter as part of the purposes and principles of ASEAN. The ASEAN Charter came into force on 15 December 2008 following the deposit of the tenth instrument of ratification. The Charter enshrines the universal principles of sovereignty, democracy, the rule of law and good governance, equality, respect for and protection of human rights and fundamental freedoms.

Mr. President,

13. To conclude, my delegation is of the view that the promotion and the strengthening of the rule of law remains an integral part in the maintenance of international peace and security. While the rule of law is not exclusive, it requires the UN Missions and the host government not to overlook other equally important fields in taking the process of transition from conflict to stability. Malaysia values this open debate and believes that it advances our agenda on the rule of law and would continue to support in the work to promote the rule of law in maintaining international peace and security.

I thank you, Mr. President.