



Malaysia

Permanent Mission to the United Nations

(Please check against delivery)

**STATEMENT BY THE HONOURABLE SENATOR JASPAL SINGH,
MEMBER OF PARLIAMENT AND REPRESENTATIVE OF MALAYSIA,
ON AGENDA ITEM 83 ENTITLED
“RULE OF LAW AT THE NATIONAL AND INTERNATIONAL LEVELS”
AT THE SIXTH COMMITTEE OF THE SIXTY-SEVENTH SESSION OF
THE UNITED NATIONS GENERAL ASSEMBLY
NEW YORK, 10 OCTOBER 2012**

Mr. Chairman,

Malaysia wishes to align itself with the statements made by Iran on behalf of the Non Aligned Movement and by Viet Nam on behalf of the Association of Southeast Asian Nations.

Mr. Chairman,

2. Malaysia welcomes the focus given on the issue of ‘Rule of Law’ during the High-Level Segment of the 67th Session of the General Assembly. There were a host of side events on various aspects of the rule of law, from, among others, “Electoral Justice” and “Woman Access to Justice” to “the Peaceful Settlement of Conflicts and “the Post 2015 Agenda”. The numerous meetings and discussions on the issue culminated in the adoption of a Declaration at the High-Level Meeting on the rule of law. Despite it being the first time that the rule of law has been discussed as a thematic issue by itself at the highest level, the overwhelming interest shown by many Heads of State, Government and Ministers to participate in the meeting reflects the importance of the issue among all States.

3. Malaysia feels the successful convening of the High Level Meeting on the rule of law is a first step towards greater respect and adherence to international law, including international humanitarian and human rights laws. Given the nature of the subject matter, we believe that any future deliberation on the rule of law should remain within the Sixth Committee of the General Assembly. We also believe that the future discourse on the issue should be based on the priorities and focus areas of all Member

States. We look forward to the report of the United Nations Secretary General at 68th Session of the General Assembly in this regard.

Mr. Chairman,

4. In Malaysia, the basis of the rule of law is deeply entrenched in its Federal Constitution, as it is the supreme law of the Federation. From time to time, Malaysia has taken and will continue to take necessary measures and actions to introduce, amend and repeal laws taking into consideration the internal developments of the country and the aspirations of the people based on the principles of democracy, equality and justice. This is evident in the promulgation of various new laws, continued amendments to existing laws, including the Federal Constitution itself, as well as, repealing laws that are deemed to be obsolete and not in the best interest of the people.

5. A clear illustration of this would be the recent repeal of the Internal Security Act of 1960, which was replaced by the Security Offences (Special Measures) Act 2012. The Government also repealed various emergency regulations, including three Emergency Ordinances, although they served well in the past to ensure stability, peace and harmony in the country.. The Government also repealed Section 27 of the Police Act 1967, and codified the Peaceful Assembly Act 2012, served to allow freedom of peaceful assembly with responsibility.

Mr. Chairman,

6. While we recognize the importance of rule of law at the national level in contributing towards greater respect for the rule of law at the international level, the relationship works both ways. Malaysia believes that the international community has a responsibility to uphold the rule of law corresponding to international conventions and treaties. The International community must show leadership for individual Member States to follow.

7. The United Nations, being the primary international organization in the enforcement of international law, security, economic development, social progress and human rights, should be the shining example for its Member States. We are particularly concerned on the lack of progress in revitalizing the General Assembly and reforming the Security Council. The Security Council, in particular, is not keeping with the times and is not a reflection of the realities in terms of composition and its work procedures. The use of the veto is also one that surely goes against the principle of the rule of law, which allows one State to deny the wishes of the majority.

Mr. Chairman,

8. On the issue of rule of law in maintaining peace and security and in response to the recent violent reactions across the Middle East and North Africa, Malaysia is firm with our stand that such freedom of expression must be exercised with responsibility. Freedom and rights must be exercised with caution, respect of others and with responsibility in accordance with Article 29 of the Universal Declaration of Human Rights. In a multicultural, multiracial society like Malaysia, misunderstanding and prejudices could easily take place, which would result in unwarranted consequences. While individuals are free to express their views, the Government must take into account the best interest of the majority and all strata of the society. It is due to this approach that Malaysians continue to enjoy relative peace, security and harmony. The same could apply to the international community in which the interest of all could and should be served.

9. Malaysia wishes to stress that Article 29 should not be applied selectively. There are various laws in many countries that protect certain groups of people. However, when it comes to Muslims, we notice that self-censorship cannot be applied as it is argued that it is against freedom of expression and freedom of speech.

10. Double standards and selectivity should also be avoided at all costs when it comes to other concerns as well, such as the need to end impunity for serious and gross violations of international humanitarian and human rights law. On this, we observe that there is great enthusiasm when it comes to pointing out alleged atrocities that take place in one State, while completely ignoring those taken in another, even though the evidence cannot be overwhelming enough. At the High Level Meeting on the Rule of Law, all of us adopted a solemn declaration that stressed that the rule of law shall apply to all States equally. Hence, we need to demonstrate that we are consistent in the observance and application of law. Practicing double standards and selectivity will only undermine our credibility and discourage others from respecting the rule of law.

Mr. Chairman,

11. The importance of the principle of the rule of law could not be stressed more. Malaysia looks forward to further efforts towards promoting greater respect and adherence to international law and wishes to assure you of my delegation's continued commitment and cooperation towards this end.

I thank you.