



Malaysia

Permanent Mission to the United Nations

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**STATEMENT BY
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MINISTER OF FOREIGN AFFAIRS, MALAYSIA**

**HIGH LEVEL MEETING OF THE
67TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY
ON THE RULE OF LAW AT THE NATIONAL
AND INTERNATIONAL LEVELS**

**NEW YORK
24 SEPTEMBER 2012**

Mr. President,

On 13 September 2006, the General Assembly decided to include in its agenda the item entitled The Rule of Law at the National and International Levels with the broad support of all Members States. Today we convene the inaugural High Level Meeting on the Rule of Law, which reflects our resolve to strengthen the rule of law at both the national and international levels. I wish to thank you Mr. President, for convening this important meeting. I also wish to align my statement with that made by Thailand on behalf of ASEAN.

Mr. President,

2. The Declaration that we have adopted earlier today symbolizes our collective commitment to strengthen the rule of law on areas of mutual interest such as ending impunity for violations of international humanitarian and human rights laws, democracy, justice and human rights, among others. There is a symbiotic relationship between the rule of law at the national and the international levels. Therefore, we must ensure that equal emphasis is given to both.

Mr. President,

3. At the domestic level, Malaysia believes that States, among others, have to honour international obligations in good faith; ensure the domestic implementation of international obligations; promote and protect human rights and fundamental freedoms, and ensure the effective administration of justice. Allow me to share some of our initiatives in strengthening the rule of law at the national level.

4. The foundation of the rule of law in Malaysia is its Federal Constitution and it is the supreme law of our nation. Based on the fundamentals outlined therein, Malaysia continues to take measures to enhance and improve its laws with principles of democracy, equality before the law and rules of natural justice in mind.

5. This year the Internal Security Act of 1960 was repealed and replaced by the Security Offences (Special Measures) Act 2012. Changes that have taken place in the country over the past decade do not justify the continued application of such a law. This demonstrates that while the Government remains committed to ensure that security is constantly safeguarded, the rights of the people are upheld.

6. The Government has also enacted the Peaceful Assembly Act 2011, which was done to ensure adequate and proper regulation for the right to peaceful assembly, as enshrined in the Federal Constitution. There is a delicate balance between the safety and security and rights and freedoms in upholding the rule of law and that is what this legislation aims to achieve. Laws cannot be broken under the pretext of exercising fundamental rights. This certainly goes against the very notion of the rule of law.

Mr. President,

7. States have a legal obligation to abide by international treaties and conventions based on the fundamental principle of *pacta sunt servanda* – treaties are binding upon the parties to it and must be performed in good faith. That obligation also extends to the national level. Treaty obligations should be transformed or incorporated into domestic legal systems. Malaysia ensures that its international treaty obligations are transformed into necessary legislations, policies and action plans to fulfil its treaty obligations. This is how we ensure domestic compliance of international treaties and uphold the rule of law.

Mr. President,

8. There may not be one single definition for the rule of law but there are certain core elements that we can identify with. At the international level for instance, many of

these elements are important principles of international law. Malaysia emphasizes on the following in strengthening the rule of law at the international level:-

- One, the commitment to an international order based on international law;
- Two, the obligation of the international community to enforce international law on a non-selective manner;
- Three, the duty of all states to refrain from the threat or the use of force and settle disputes by peaceful means; and,
- Finally, respect for the principles of sovereign equality, territorial integrity and non-interference.

Mr. President,

9. Clear examples of the importance of strengthening the rule of law at the international level concern situations of persistent violations of international law. We need to put an end to impunity and hold those responsible accountable for their actions. Big or small, strong or weak, the rule of law shall apply to all. There will be no meaning to our efforts if there are no tangible outcomes to address these types of situation.

10. In this regard, the inclusion of strong language on ending impunity for violations of international humanitarian law and gross violations of human rights laws in the Declaration is very relevant. However, for it to work there must be conformity with international law and decisions of the UN.

11. What do we do when those responsible continue to violate international law and ignore UN decisions? The UN should take a decision on the non-compliance and enforce it regardless of whom they are. No one should be above the law. Further, in situations involving crimes such as genocide, crimes against humanity, war crimes, serious and gross violations of international humanitarian and human rights laws, the exercise of veto in the Security Council should be avoided. Only then, can we effectively stop these crimes from being committed, end impunity, uphold the rule of law, and make the UN relevant and effective.

Mr. President,

12. Malaysia highly values this meeting and believes that it advances our agenda on the rule of law. The international community, through the United Nations must continue to lead the way for nations to follow.

I thank you, Mr. President.