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**Title : KEYNOTE ADDRESS AT THE OPENING CEREMONY OF THE  
INTERNATIONAL HUMANITARIAN LAW (IHL) ROUNDTABLE  
SEMINAR**

YM Tunku Tan Sri Dato' Shahrizan Bin Tunku Sulaiman  
National Chairman  
The Malaysian Red Crescent Society

Yang Berbahagia Encik Hisham Harun Hashim  
Deputy National Chairman  
The Malaysian Red Crescent Society

Excellencies, Distinguished Guests, Ladies and Gentlemen.

Bismillahir rahmanir rahim  
Assalamualaikum warahmatullahi wabarakatuh and good morning to all.

Let me begin by thanking the Malaysian Red Crescent Society (MRCS) and the International Committee of Red Cross (ICRC) for inviting me to officiate at this International Humanitarian Law (IHL) Roundtable Seminar and deliver my keynote address. At the outset, I also would like to take this opportunity to commend the MRCS and the ICRC for their initiative in organizing this IHL Roundtable. I understand that this Roundtable is organized to commemorate the adoption of the Four Geneva Conventions of 12th August 1949 and I am honoured to have this opportunity to share with you my thoughts on International Humanitarian Law or IHL in brief.

2. The Four Geneva Conventions of 1949 and its Additional Protocols, evolved from the Laws of War and have now become the bedrock of IHL. The Four Conventions and the two Additional Protocols were drawn up following the Second World War to cover armed forces on land and at sea, prisoners of war and civilians. The Conventions cover a wide range of issues from protection of wounded combatants and prisoners of war, to the proportionate use of force and the treatment of civilians. These Conventions apply in international armed conflict, which they define as "all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties".

3. Like all international treaties, the Geneva Conventions and the Additional Protocols were the products of their times. They reflect the views of their period about the nature of war, and the concerns and alignments of contemporary international politics. Since then however there have been significant changes in the nature of armed conflict.

4. As we observe the 56th anniversary of the adoption of the Geneva Conventions, it is timely for us to reflect and deliberate on the successes of these Conventions as well as their relevance and continuing challenges faced in their implementation.

5. International Humanitarian Law continues to remain relevant in today's world despite changes in the nature of armed conflicts. Today, the lines between international armed conflict, internal armed conflict, terrorism and criminality are becoming increasingly blurred.

Ladies and Gentlemen,

6. IHL limits the rights of parties to a conflict to use methods and means of their choice in order to prevent and to alleviate human suffering, unnecessary death and destruction of property. Is this law being respected or adhered to in current armed conflicts, be it in Iraq or Palestine?

7. The euphoria over the end of the Cold War in the late 1980s gave rise to the hope that finally the community of nations would move in a united and concerted manner to achieve peace, security and prosperity. Many believed that the period of interstate wars were over. But, sad to say, these were replaced by intrastate conflicts. To accommodate this development, the UN promoted the notion of "humanitarian intervention" as reflected in its seminal publication entitled "An Agenda for Peace". This notion however, became a victim of deep-seated distrust between developing and developed countries, with the former coming to the conclusion that it was all a Western ploy to interfere in their domestic affairs.

8. Today the idea of humanitarian intervention has resurfaced as the "responsibility to protect" in the current efforts to restructure and reshape the UN. While many developing countries including Malaysia believe that there is a role for the international community when a sovereign state implodes from within, the sense of distrust against major powers remains deeply ingrained.

9. One of the challenges to the implementation of international law generally, and IHL in particular, is the way in which legal norms have been selectively applied or ignored for political purposes by certain groups, especially powerful countries when it suits them; that is to say there are double standards in their application. We should endeavour to ensure that all states are held up to the same high standard and that they follow not only the letter of the law but the spirit of such laws as well.

10. Intervention in imploding states should be guided by justice and not be subjected to the wealth and ideology of the affected states. Those states suffering from poverty and a lack of strategic importance to major powers should not be ignored either. In this regard, the international community should continue to assist all countries in urgent need of humanitarian assistance.

11. That said, however, the crimes against humanity that the world has witnessed cannot be allowed to take place with impunity. A clear message needs to be sent to all, lest our silence begets even more such dastardly acts. The international community has in the past come together to convene such Tribunals as the Nuremberg Tribunal to adjudicate war crimes in Germany. More recently, we have witnessed the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. A senior Malaysian judge, Tan Sri Lal Vohrah had served several terms on both of these Tribunals first as full Judge and later as an Ad Litem Judge. These two bodies have dispensed justice on some of the worst cases known to mankind.

12. In commemorating the Geneva Conventions, note must also be taken of the blatant violations of the Fourth Geneva Convention of 1949 by Israel. Israel continues to construct the wall dividing Al Quds and isolating its people without consideration for the rights of the Palestinian people and the damaging impact on their lands and borders and with clear disregard for the Advisory Opinion of the ICJ. Israel's policy and practice of arbitrary detention, inordinate use of force, demolition of Palestinian homes, confiscation and destruction of Palestinian farmland as well as severe restriction on movement are all contrary to established legal norms and the numerous resolutions of the UNGA and Security Council. As Chairman of the 10th Session of the Islamic Summit, Malaysia continues to lead efforts towards finding a resolution to the Palestine issue, Al-Quds and the Arab-Israeli conflict. At the same time, we do welcome the withdrawal of Israel from the Gaza and call on Israel to withdraw from all occupied territories consistent with UN resolutions.

Ladies and Gentlemen,

13. IHL will have to grapple with a continuously changing global environment including IHL's relationship with human rights conventions. Human rights conventions institutionalized after the Second World War had indeed humanized the Laws of War. Nevertheless, the nexus between IHL and human rights is raising more questions than providing solutions.

14. The "war on terrorism" and the changing nature of conflicts are together shaping domestic and international rhetoric, policies and politics. IHL, as well as international humanitarian actions, need to take cognizance of such developments, including the transgressions at Guantanamo and Abu Ghraib prisons.

15. The Rwanda and Yugoslavia Tribunals are setting precedence for the possibility of prosecuting war crimes in internal conflicts and in protecting human rights through increased individual accountability for domestic situations not traditionally considered "armed conflict". The face of tomorrow's conflict is that of internationalization of disputes within a territory.

16. If IHL, as we know it, is stretched to protect civilians in these new forms of warfare, the actions on the ground that follow, should serve as sources of hope and not become instruments of aggression in themselves. Towards that end, every state and every individual must be held to the same higher standard of law and morality if

non-combatants' human rights are to be protected through international legal mechanisms.

17. On the issue of disarmament, we must desist from the tendency to have an imbalanced position. It would appear that some states are subjected to greater scrutiny and pressured to change, while some are not. This evident in the current debate over the access to peaceful use of nuclear energy. Justice calls for equal treatment and not selectivity.

18. The task for UN and other international bodies such as the ICRC is not to forget the issue of disarmament or to merely focus on small arms and light weapons. We must pursue with equal vigour the disarmament of nuclear and all other forms of WMD. Equally important, we ought to insist that major arms producers and exporters accept responsibility and liability for their roles in contributing to this situation.

19. While it is true that intrastate conflicts have eroded international peace and security, international organizations must be wary of adopting a one-size-fits-all approach to all regions. Fortunately, ASEAN continues to play a pivotal role in promoting peace, security and prosperity in this region. It has embarked on building an ASEAN community based on three pillars, namely, ASEAN Security Community, ASEAN Economic Community and ASEAN Socio-cultural Community. ASEAN countries are determined to deepen and integrate their ties for our common good.

Ladies and Gentlemen,

20. Malaysia has had a long association with IHL. Within five years of our independence, we adopted the Geneva Conventions of 1949 and incorporated them as part of our law through the Geneva Conventions act of 1962. On the 4th of October 1960, our troops were dispatched to the Congo. This was the first of many peace keeping assignments under the UN. Since then, our military and police have been involved in a multitude of peacekeeping of observer missions throughout the world including in Namibia, Cambodia, Somalia, Bosnia, Timor Leste, Pakistan and Afghanistan. Malaysian civilian officials have also been involved either bilaterally or multilaterally in a number of missions to ensure peace and render humanitarian support. Currently Justice Tan Sri Azmi Kamaruddin is an Ad Litem Judge with the International Criminal Tribunal for Rwanda.

21. Today, Malaysia has 69 military and approximately 17 police personnel in UN Missions in Burundi, Congo, Eritrea and Ehtiopia, Haiti, Kosovo, Liberia, Sierra Leone, Sudan and Timor Leste as well as at UN HQ in New York. Apart from that, Malaysia has actively provided humanitarian assistance. Most recently the Malaysian Government has decided to make a cash contribution of USD\$ 500,000 to the Niger Government in light of the dire humanitarian crisis facing that country.

22. In the field of disarmament, Malaysia, has been at the forefront of many disarmament conferences and initiatives. As the Chairman of the Non-Alignment Movement, we have been actively coordinating NAM's position on various disarmament issues. Malaysia also holds the distinction of being among the first countries in this region to sign on to the Land Mines Treaty in 1997. I am proud to say that we have completely destroyed our stockpiles of land mines. To bring about a more peaceful world, one often has to take the first step and to lead by example. Malaysia has done so with regard to Land Mines and we urge all countries, particularly those in the region to also be a party to this important treaty and to completely destroy its stockpiles of land mines. Malaysia has also signed various other IHL-related treaties including the Biological Weapons Convention and the Chemical Weapons Convention and the Hague Convention on the protection of Cultural Property. The latter will help to identify and preserve our heritage sites and cultural properties from destruction during war.

23. Malaysia has been fortunate. With the exception of the Emergency Period, we have been spared the ravages of war and armed conflict. This however, has resulted in Malaysians in general, lacking awareness of and deeper appreciation for the importance of IHL. The principles espoused under IHL should become part of our shared values, morality and culture. If these principles are part of every society's norms and each individual's value system, it would be difficult for any government, faction or individual to consciously undertake any action contrary to IHL, as it would be opposed at every level. No longer could an enemy be dehumanized. Any soldier or any individual guilty of such crimes would be ostracized by society and possibly even by his own family.

24. While the government will continue to be actively involved in humanitarian issues at the international level, we will continue to work towards the enhancement of public education, awareness and involvement in these issues at the national level. In this respect, we acknowledge and appreciate the work of MRCS and ICRC in Malaysia to promote public awareness on IHL. Their efforts in dissemination and education of IHL to the public, members of the armed and security forces are indeed commendable.

Ladies and Gentlemen,

25. This Roundtable is being held for the first time in Malaysia and I hope that this will be the start of many similar initiatives towards inculcating awareness of IHL at all levels of government and society. In this regard, I am happy to inform that Wisma Putra would be prepared to consider a national mechanism to coordinate all aspects and activities pertaining to IHL.

26. With that proposal, I conclude my speech and wish all participants a productive and informative discussion.

Thank you.