



**KEYNOTE ADDRESS BY  
DATUK SERI UTAMA DR. RAIS YATIM  
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AT THE OPENING CEREMONY OF THE  
CONFERENCE ON HUMANITARIAN  
CHALLENGES IN CONTEMPORARY  
CONFLICTS,  
21 APRIL 2008 KUALA LUMPUR**

Y. Bhg. Tan Sri Hasmy Agam  
Executive Chairman of the  
Institute of Diplomacy and Foreign Relations  
(IDFR)

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Head of Regional Delegation of the  
International Committee of the Red Cross (ICRC)

Excellencies, Distinguished Guests, Ladies and  
Gentlemen,

ALLOW me to congratulate the Institute of  
Diplomacy and Foreign Relations (IDFR) and  
the International Committee of the Red  
Cross (ICRC) for taking the initiative to jointly  
organise this Conference on International  
Humanitarian Law (IHL) and the challenges  
faced in contemporary conflicts. This is a  
topic of immense importance and I am  
indeed honoured to be given this opportunity  
to address this conference.

2. We live in a time of great global transition, characterized by contradictory if not dangerous trends. While human beings have made significant advances in many areas of human endeavour, we continue to confront many serious challenges, including a variety of humanitarian crisis arising from armed conflicts and natural disasters. Hundreds of thousands of civilians are struggling to meet basic needs in makeshift refugee camps, and worse still, are killed or simply disappear without a trace. Women are particularly vulnerable to rape, and children are forced to join armed groups and even slavery.

3. International Humanitarian Law (IHL), also referred to as the Laws of Armed Conflict, is the body of international rules that protect persons who are not or are no longer participating in hostilities and restrict the

means and methods of warfare to minimise suffering in time of war or armed conflict. These rules and principles, which developed through state practices by way of countless wars through out the ages, were finally codified in the 18<sup>th</sup> Century, with bilateral treaties such as the **1785 Treaty of Commerce between the USA and Prussia** to the now universally accepted four multilateral **Geneva Conventions of 12 August 1949.**

*Ladies and Gentlemen,*

4. The relevance and importance of IHL in the 21<sup>st</sup> Century cannot be gainsaid as the world continues to be afflicted by conflicts worldwide. Since 1948 until 2007, the UN has authorised and deployed approximately 61 missions to trouble spots around the globe. In addition, NATO and coalition forces operate in several troubled regions to

maintain peace and security. With the development of ever more destructive weapons used indiscriminately in armed conflicts around the world, efforts to sustain humanitarian treatment also posits increasing difficulties.

5. In this context, international bodies, in particular the ICRC, was granted a mandate under the Geneva Conventions and its Additional Protocols to promote respect for international humanitarian law. It fulfilled an urgent need to institutionalise the protection of civilians and define the limits and methods of warfare. The ICRC strives to fulfil this mandate through various avenues, such as encouraging accession to international humanitarian law treaties including the **Chemical Weapons Convention, the Hague Cultural Property Convention, and the Convention of Conventional Weapons.**

6. Today, the line between international armed conflict and internal armed conflict is becoming increasingly blurred. There are also complex humanitarian issues involved. While Malaysia has been spared of conflicts, as a member of the international community, it cannot hope to escape from the consequences of conflicts in other countries. It should continue to participate in the processes of peace-keeping, reconciliation and rehabilitation in conflict areas throughout the world. In fact, Malaysia has consistently done so since the 1960's. Malaysia has also contributed constructive ideas in this area during its presidency of the UN Security Council in July 1999. Malaysia now works closely with the UN Department of Peace-keeping Operations. In this regard we initiated a Presidential Statement of the Security Council which introduced the concept of "Disarmament, Demobilisation

and Re-integration” of ex-combatants (DDR) which has become an integral component of peace-keeping operations since then.

*Ladies and Gentlemen,*

7. Malaysia is already a signatory of many important treaties with a humanitarian impact, such as the **Biological Weapons Convention** and **Chemical Weapons Convention**. We were the first country in Southeast Asia to become party to the **Anti-Personnel Mines Convention**, and have destroyed approximately 95,000 anti-personnel landmines at three different locations in the country. Like other States bound by the Geneva Conventions, Malaysia is poised to continue working with the relevant organisations in the promotion of IHL for the benefit of all civilians affected by conflict.

8. The UN's General Assembly resolution 59/36 of 2 December 2004 "welcomed the increasing number of national commissions and other bodies involved in advising authorities at the national level on the implementation, dissemination and development of international humanitarian law". On 12 December 2007, the Malaysian Cabinet agreed to the establishment of a multi agency National IHL Committee, which is chaired by the Minister of Foreign Affairs. The aim of this Committee is to facilitate the effective implementation of the IHL instruments as well as to disseminate IHL rules and principles in Malaysia. Malaysia is the first country in this region to have a National IHL Committee. I am confident that given time, this exercise will function as a deliberative and consultative body on all legal issues pertaining to IHL.

9. Through this Committee, the government will continue to be actively involved in humanitarian issues at the international level. We will also continue to work towards the enhancement of public education, awareness and involvement in these issues at the national level.

*Ladies and Gentlemen,*

10. I am happy to note that the Conference will discuss the humanitarian challenges in contemporary conflict, and how they should be addressed. Contemporary conflicts go beyond a consideration of logistical and assistance issues that one might expect from the traditional type of wars and hostilities activated via terrorism, warring factions or even civil unrest. Taking landmines as an example, for example, they have contemporary relevance as they continue to kill and maim people going about

their daily lives. Malaysia joins other States in condemning the use of these weapons of armed conflict which fail to discriminate between civilian and legitimate military targets.

11. 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. In October 1960, our troops were dispatched to the Congo. Since then, our military and police have been involved in a multitude of peacekeeping of observer missions throughout the world including in Afghanistan, Bosnia, Cambodia, Namibia, Pakistan, Philippines, Somalia and Timor L'este. And we have also contributed towards international tribunal work. In this regard we wish to record our appreciation to the various Malaysian civil officials who have contributed much. Currently Justice Tan Sri Azmi Kamaruddin is an *Ad Litem* Judge with

the International Criminal Tribunal for Rwanda as well as Justice Tan Sri Lamin Yunus with the International Criminal Tribunal for Former Yugoslavia, as was Tan Sri L.C. Vohrah.

14. Today, Malaysia has 453 military and approximately 221 police personnel in UN Missions in Burundi, Congo, Eritrea and Ethiopia, Haiti, Kosovo, Liberia, Sierra Leone, Sudan and Timor L'este as well as 2 officers seconded to the United Nations Department of Peacekeeping at United Nations Headquarters in New York. Two weeks ago, 130 members of the Sabah General Operations Force (GOF), the latest batch of our police force, was sent to Timor L'este for the next six months on peace=keeping mission. The group is part of a UN Integrated Mission, which also includes peacekeepers from some other Commonwealth countries.

15. An ongoing initiative in this region is the International Monitoring Team (IMT) in Mindanao, which is tasked to monitor the ceasefire between the Armed Forces of the Philippines and the MILF and continuing the momentum for the resolution of the conflict in Mindanao. This mission is historically significant as it marks for the first time that Malaysian representatives have taken part in a non-UN initiative. Deployment in Mindanao is authorised through Chapter 8 of the United Nations Charter, which allows peace settlement to be managed under a regional arrangement upon the invitation of the host government. The IMT comprises some 40 officers from the Malaysian Armed Forces, Royal Malaysia Police, and the Prime Minister's Department, together with 10 military officers from Brunei and several officers from Libya.

16. The Government of the Philippines and the MILF had actually begun peace talks in 1996, but in 2001 the Government of Malaysia was invited to participate as a host to the negotiations. Some of the significant agreements facilitated by Malaysia were the Agreement on Peace between the Philippines Government and the MILF (Tripoli Agreement) of June 22, 2001, the Implementing Guidelines on the Security Aspect of August 7, 2001, and the Implementing Guidelines on the Humanitarian, Rehabilitation and Development Aspect of May 7, 2002.

17. In this connection, Malaysia, for its part, is willing to share our experiences with the international community by way of peacekeeping training. The Malaysian Peacekeeping Training Centre in Port Dickson conducts various courses,

seminars, workshop and conferences as well as research activities in Peace Support and Peace Keeping Operation related to humanitarian issues. The Malaysian Peacekeeping Training Centre stands ready to collaborate with institutions and agencies from the international community dealing with IHL.

18. Of course, a conflict situation can be further complicated and made more complex by the occurrence of natural disaster. In such a case, a major challenge would be how to channel the much-needed assistance to affected or displaced civilians? How would people locate their missing family members or establish contact with them if they are separated or left helpless? Referring these situations as complex emergencies, the ICRC has developed an institutional approach involving confidential dialogue with both State and non-State parties. One of the

main objectives of confidential dialogue is to ensure the protection of civilians which is defined as preserving the well-being and dignity of persons who are not or no longer participating in conflict.

20. Within the concept of protection is the ICRC's core activity of Restoring Family Links (RFL) where the organisation, with the help of Red Cross and Red Crescent Societies throughout the world, seeks to help families establish and maintain contact with their loved ones. The Malaysian Red Crescent is of course one of these worldwide National Societies involved in this valuable service, is a natural partner of the ICRC in the Red Cross and Red Crescent Movement. With its new 10-year RFL Strategy for the Movement, the ICRC is even more valid and ready to render services within areas of conflict - as agreed at the 30<sup>th</sup> International Conference of the Red Cross and Red

Crescent Movement in Geneva in November 2007.

21. Malaysia has been actively providing humanitarian assistance to a number of countries that have been hit by disasters, like Indonesia, Bangladesh, Nepal, North Korea, Pakistan, Peru, Sudan and Uganda. Following the 2004 Aceh tsunami, Malaysia was one of the first to send troops and civil assistance. Within a month after the tsunami, more than 400 military and police officers from Malaysia were on duty in Aceh, working with the local authorities to provide medical and other humanitarian assistance. Other voluntary relief organisations, notably Mercy Malaysia and Peace Malaysia, also came to the aid of these hapless victims.

*Ladies and Gentlemen,*

24. Malaysia will continue to play an expanded role in disaster management. This year, Malaysia is the Chair of the ASEAN Committee on Disaster Management (ACDM), which is one of the very few ASEAN mechanisms gathering a wide range of humanitarian organisations. These include the International Federation of Red Cross and Red Crescent Societies (IFRC) - which is a component in the Red Cross and Red Crescent Movement, the Asian Disaster Reduction and Response Network (ADRRN), and UN Office for the Coordination of Humanitarian Affairs (OCHA).

29. Although we largely hold institutions like the ICRC and other samaritan bodies in high esteem, it is the individual volunteers in them who ought to be thanked more aredently by society. Undoubtedly this Conference on Humanitarian Challenges in Contemporary Conflicts will help to promote

understanding and discourse on this important human endeavour. The Ministry of Foreign Affairs is ever willing to help create awareness of IHL at all levels of government and society. It is also my hope that IDFR, in particular, would be able to devise courses for Government officials dealing with IHL as part of this effort.

30. Perhaps it is now fitting and proper to say – let all good men and women come to the cause. Let us offer our best wishes to everyone present for this special Conference. I now have the pleasure to officially declare open this Conference on Humanitarian Challenges in Contemporary Conflict.