



Permanent Mission of
Malaysia
to the United Nations



STATEMENT BY
CHAIRMAN OF THE COORDINATING BUREAU
OF THE NON-ALIGNED MOVEMENT
ON BEHALF OF THE NON-ALIGNED MOVEMENT

AT
THE INFORMAL MEETING OF THE PLENARY OF THE GENERAL
ASSEMBLY CONCERNING THE DRAFT OUTCOME DOCUMENT OF
THE HIGH-LEVEL PLENARY MEETING OF THE GENERAL ASSEMBLY

DELIVERED BY
H.E. AMBASSADOR RADZI RAHMAN
CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION
OF MALAYSIA TO THE UNITED NATIONS

NEW YORK

TUESDAY, 21 JUNE 2005

Please check against delivery

Mr. President,

I have the honour to speak on behalf of the Member Countries of the Non-Aligned Movement (NAM).

2. At the outset, NAM wishes to thank you, Mr. President, for preparing and circulating the draft outcome document of the High-Level Plenary Meeting of the General Assembly to Member States of this Organisation on 3rd of June 2005. NAM views the convening of this informal meeting of the Plenary of the General Assembly today as providing the opportunity for groups and Member States to express their views on the text you have presented. We fully understand that the document you have produced, with the assistance of the team of distinguished Facilitators, attempts to capture and reflect the views of Member States on the issues raised by the Secretary-General in his Report (A/59/2005) as well as issues not covered in that Report. We commend you for this effort and we think that this draft can serve as a useful basis for consideration as we proceed during this latter stage of substantive preparations for the High-Level Plenary Meeting in September. We appreciate the serious efforts that you have taken to incorporate in the draft outcome document the comments, ideas and proposals that have been advanced by Member States during the series of consultations which you had conducted earlier over the last few months. NAM is still studying the paper and can offer only preliminary comments at this stage on the understanding that, on the basis of your brief statement on 3rd June 2005, you would be conducting further consultations and negotiations beginning in July.

3. The Non-Aligned Movement welcomes your intention to continue to engage Member States in the process of preparing a good draft outcome document for consideration by the leaders in September. As you are fully aware, a Special Meeting of the Ministers of Foreign Affairs of NAM was held in Doha at the sidelines of the Second South Summit on 13th June 2005. I wish to convey to you that the Ministers had noted with appreciation the preparatory work for the High-Level Plenary Meeting that has been carried out and is still continuing under your leadership, Mr. President. They urged you to continue with your approach and commitment towards ensuring that the preparatory process for the High-Level Plenary Meeting remains inclusive, open-ended and transparent in order to allow for the interests and priorities of Member States to be taken into account. In this regard, may I add that NAM places its confidence in your kind wisdom, good judgement and able leadership to bring this process forward in a manner that would satisfy Member States and take into account their interests and priorities, with a view to achieving consensus on the outcome document in September.

4. The Special Meeting in Doha had provided the Ministers of Foreign Affairs of NAM the opportunity to review preparations for the High-Level Plenary Meeting, discuss issues relevant to the event and reform of the United Nations, and had provided the necessary guidance for the NAM Coordinating Bureau and NAM Member Countries to proceed in the preparatory work. The Ministers reiterated the Movement's commitment to be engaged constructively in the continuing preparatory process. In this context, they have instructed their delegations to participate in the consultations and negotiations on the draft outcome document. The Declaration adopted by the Ministers of Foreign Affairs of NAM in Doha provides the basis for the Non-Aligned Movement to be engaged. I should like to take this opportunity to highlight important points as contained in the Declaration, as follows:-

(a) Objective and outcome of the High-Level Plenary Meeting

- i. "The Ministers recalled General Assembly Resolutions 58/291 of 17 May 2004 and 59/145 of 13 January 2005 which have set out the objective of the High-Level Plenary Meeting to undertake a comprehensive review of the progress made in the fulfilment of all the commitments contained in the Millennium Declaration, and of the progress made in the integrated and coordinated implementation of the outcomes and commitments of the major United Nations conferences and summits in the economic, social and related fields. In this context, they reaffirmed the importance of all the outcomes of major United Nations conferences and summits in the economic and social fields, and noted that the full implementation of all internationally agreed

development goals, including those contained in the Millennium Declaration, would be an important step in addressing the urgent needs of developing countries.”

- ii. “The Ministers considered the High-Level Plenary Meeting to be of historic significance and stressed that its outcome should provide a proper balance on all questions, in particular the balance among questions relating to development and social advancement, peace and security, and rule of law and human rights. They emphasized that any new measures concerning the United Nations and its reform should be decided by Member States through an intergovernmental process. They maintained that while reform of the United Nations is an ongoing process, the High-Level Plenary Meeting would provide an opportunity for Member States to reform the United Nations to enable it to respond to the threats and challenges of the twenty-first century.”

(b) Commitment to multilateralism

- i. “The Ministers reiterated their commitment to multilateralism, the importance of the promotion and strengthening of the multilateral process, and the need to address international challenges and problems by strictly adhering to the United Nations Charter and the principles of international law. They also stressed the centrality and central role of the United Nations in the maintenance of international peace and security and the strengthening of international cooperation as reaffirmed by the General Assembly in its Resolution 58/317 of 5 August 2004. They expressed their rejection of unilateralism, which could lead to the erosion and violation of international law, to the use and threat of use of force and to pressure and coercion, including unilateral sanctions, by certain countries as a means to achieving their policy objectives.”
- ii. “The Ministers, recalling the commitment to strengthening multilateralism expressed in General Assembly Resolution 58/317, called for evolving common perceptions and agreed approaches to address both the new and existing threats to international peace and security. In this regard, they underscored the need for the process of United Nations reform to take place in accordance with the purposes and principles of the United Nations Charter. They also emphasized that all reforms within the United Nations system, including institutional reforms, should promote greater democracy, effectiveness, efficiency, transparency and accountability.”

(c) Threats

- i. “The Ministers reiterated that the United Nations Charter provides a balance among the purposes and principles of the United Nations that cover all the pertinent issues, including economic and social development, peace and security, as well as rule of law and human rights, and the Millennium Declaration provides the twenty-first century perspective of that balance. They noted the interconnectedness of the threats faced by all countries and that these threats could be addressed by acting at a sufficiently early stage with the full range of available peaceful means. They affirmed that the leaders of Member States should pledge concerted action against the whole range of threats to international peace and security, including emerging threats, in order to provide effective collective security in the twenty-first century.”
- ii. “The Ministers, noting the interconnectedness between peace and security and development, emphasized that any effort to transform the United Nations into an effective instrument for preventing conflict should take into account the need for balance and comprehensiveness, in accordance with the purposes and principles of the United Nations Charter and international law, in order to enhance conflict resolution and post-conflict peacebuilding strategies with the aim of achieving sustainable development. They expressed the view that it would be important for Member States of the United Nations to develop common perceptions and agreed approaches to address existing, new and emerging threats to international peace and security as well as the root causes of conflict. In this context, they were convinced that all the principal organs of the

United Nations—the General Assembly, the Security Council and the Economic and Social Council—have a role in evolving and implementing a more effective collective security system, and that such common perceptions and approaches to collective security would only be legitimate if they are developed in accordance with the purposes and principles of the Charter and by all Member States acting together. They expressed the view that the active participation of each and every organ of the United Nations is crucial, acting both in the exercise of its various mandates and within the competencies assigned to each one by the Charter, without upsetting the balance of powers as established by the Charter.”

(d) Peacebuilding Commission

- i. “The Ministers welcomed the idea of establishing a Peacebuilding Commission. This notwithstanding, they reiterated that, without prejudice to the competence and respective roles of other principal organs of the United Nations in post-conflict peacebuilding activities, the General Assembly must have the primary role in the establishment and the formulation of the mandate of the Peacebuilding Commission and in the formulation and implementation of post-conflict peacebuilding policies and activities.”

(e) Non-use of force, peaceful settlement of disputes, culture of peace, dialogue among civilisations and inter-religious dialogue

- i. “The Ministers stressed that, in accordance with the letter and spirit of the United Nations Charter, Member States should further advance the principles of the non-use of force and peaceful settlement of disputes. In addition, they expressed the view that the promotion of a culture of peace, dialogue among civilizations and inter-religious cooperation are some of the significant measures and approaches that could contribute towards international peace, security and harmony. They also stressed that the use of force must not be considered as the only instrument to achieve and maintain international peace and security, and, if necessary, force should be used only as a measure of last resort in accordance with the Charter.”

(f) Use of force

- i. “The Ministers affirmed that the United Nations Charter contains sufficient provisions regarding the use of force to maintain international peace and security, and stressed that achieving this goal, including by the Security Council, should be done in accordance with the relevant provisions of the Charter. They expressed concern over the increasing resort by the Security Council to Chapter VII of the Charter as an umbrella for addressing issues that do not necessarily pose a threat to international peace and security, and maintained that the Security Council should fully utilize the provisions of other relevant Chapters, where appropriate, including Chapters VI and VIII of the Charter.”
- ii. “The Ministers affirmed the view that the Security Council need not adopt a resolution that would set out the principles for the use of force, and that the Security Council should not express through such a resolution its intention to be guided by such principles when deciding to authorize or mandate the use of force.”
- iii. “The Ministers recalled General Assembly Resolution 58/317 and stressed the continued applicability and validity of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the United Nations Charter, annexed to General Assembly resolution 2625 (XXV) of 24 October 1970.”
- iv. “The Ministers emphasized that Article 51 of the Charter is restrictive and recognizes “the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations”, and that this Article should not be re-written or re-interpreted. They

noted that this is supported by the practice of the United Nations and is in accordance with international law pronounced by the International Court of Justice, the principal judicial organ of the United Nations, concerning this question.”

- v. “The Ministers stressed the deep concern of the Movement over the intention of a group of States to unilaterally re-interpret the existing legal instruments, in accordance with their own views and interests, and re-emphasized that Member States must maintain the integrity of international legal instruments.”

(g) Responsibility to protect

- i. “The Ministers reaffirmed the commitment of the Non-Aligned Movement to the United Nations Charter and underscored the need to preserve and promote its principles and purposes, including the principles of respect for the sovereignty, territorial integrity and non-interference in the internal affairs of States. In this regard, they reiterated the rejection by the Movement of the so-called “right” of humanitarian intervention, which has no basis either in the Charter or in international law, and requested the Co-ordinating Bureau in New York to continue to be seized with this issue as well as other related matters in accordance with the principled position of the Movement. They also observed similarities between the new expression “responsibility to protect” and “humanitarian intervention” and requested the Co-ordinating Bureau to carefully study and consider the expression “responsibility to protect” and its implications on the basis of the principles of non-interference and non-intervention as well as the respect for territorial integrity and national sovereignty of States, bearing in mind the provisions of the Charter of the United Nations, international law and international humanitarian law.”

(h) Disarmament

- i. “The Ministers reaffirmed the importance of achieving the total elimination of all weapons of mass destruction globally, in particular nuclear weapons, which pose the greatest danger to mankind and the survival of civilizations. They recalled paragraph 9 of the Millennium Declaration wherein the leaders of Member States of the United Nations have resolved to strive for the elimination of weapons of mass destruction, particularly nuclear weapons, and to keep all options open for achieving this aim, including the possibility of convening an international conference to identify ways of eliminating nuclear dangers. They reaffirmed the need for all Member States to fulfil their obligations in relation to arms control and disarmament and to prevent the proliferation in all its aspects of weapons of mass destruction and their means of delivery, and further reaffirmed that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament. In this regard, they reiterated their call for the establishment of a zone free of nuclear weapons as well as other weapons of mass destruction in the Middle East which would contribute to the aims and objectives of the Middle East Peace Process.”
- ii. “The Ministers remained deeply concerned over the illicit transfer, manufacture and circulation of small arms and light weapons and their excessive accumulation and uncontrolled spread in many regions of the world, especially in Africa. In this regard, they emphasised that there is a need to ensure that the supply of small arms and light weapons is limited only to Governments or to entities duly authorised by Governments and to implement legal restrictions on the unrestricted trade in and ownership of small arms and light weapons. They also emphasised the importance of early and full implementation of the United Nations Programme of Action concerning Small Arms and Light Weapons. They continued to deplore the use, in contravention of international humanitarian law, of anti-personnel mines in conflict situations aimed at maiming, killing and terrorising innocent civilians.”

(i) Terrorism

- i. "The Ministers reiterated the positions of NAM regarding international terrorism as contained in the Final Documents of the XIII Conference of Heads of State or Government of NAM in Kuala Lumpur in February 2003 and the XIV Ministerial Conference of NAM in Durban in August 2004, which have been conveyed during the process of consultations convened by the President of the 59th Session of the General Assembly in the context of preparations for the High-Level Plenary Meeting."

(j) Secretary-General's good offices

- i. "The Ministers acknowledged the role of the Secretary-General's "good offices" in helping to resolve conflicts peacefully. They expressed the view that the General Assembly should study the proposal by the Secretary-General in paragraph 108 of his Report (A/59/2005) about the need for Member States to allocate additional resources for his good offices functions, bearing in mind the limited financial capacity of developing countries and, preferably, within existing resources of the United Nations."

(k) Multilateral treaty event

- i. "The Ministers expressed their appreciation to the Secretary-General of the United Nations for his continuing efforts to organize the annual multilateral treaty event in conjunction with the General Assembly sessions. They have taken note of the focus of this year's event on the 32 multilateral treaties relating to the protection of civilians. They expressed the view that achieving the objective of such treaty events, including the ratification and implementation of the treaties by Member States, would be contingent upon the national interest, priorities and capacity as well as constitutional and legislative requirements of Member States."

(l) International Court of Justice

- i. "The Ministers emphasized the need for a renewal of commitment by the international community to uphold and defend the principles of the United Nations Charter and international law as well as the means envisaged in the Charter for the peaceful settlement of disputes. In this regard, they encouraged the Security Council to make greater use of the International Court of Justice (ICJ), the principal judicial organ of the United Nations, as a source of advisory opinions and interpretation of relevant norms of international law and reaffirmed that further progress is necessary to achieve full respect for international law and the ICJ. They reiterated the support of the Movement to the Advisory Opinion of the International Court of Justice on two important questions, namely on the Legality of the Threat or Use of Nuclear Weapons of 1996 and on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory of 2004."

(m) Democracy

- i. "The Ministers reaffirmed that democracy, development and respect for all human rights and fundamental freedoms are interdependent and mutually reinforcing, and is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives. They affirmed that while all democracies share common features there is no one model of democracy. The Ministers recalled the pledge by the leaders of Member States of the United Nations, as contained in the Millennium Declaration, to strengthen their countries' capacity to implement the principles and practices of democracy. They recognized the important role played by the United Nations in the promotion and strengthening of democratic practices in Member States that have sought legal, technical and financial assistance in order to strengthen their capacity to implement the

principles and practices of democracy. While recognizing that the promotion of democracy is important at the national level, they expressed the resolve of the Movement to make every effort to promote the democratisation of the system of international governance in order to increase the participation of developing countries in international decision-making.”

(n) Human rights

- i. “The Ministers reaffirmed the significant importance attached by the Movement to the promotion and protection of human rights and commitment to fulfil obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the United Nations Charter, other instruments relating to human rights and international law. They also reaffirmed that all human rights, in particular the Right to Development, are universal, inalienable, indivisible, interdependent and interrelated. They further reaffirmed that human rights issues must be addressed within the global context through a constructive, dialogue-based approach, in a fair and equal manner, with objectivity, respect for national sovereignty and territorial integrity, non-interference in the internal affairs of States, impartiality, non-selectivity and transparency as the guiding principles, taking into account the political, historical, social, religious and cultural characteristics of each countries.”
- ii. “The Ministers stressed that the proposal to increase the resources of the Office of the High Commissioner on Human Rights (HCHR) would need to be carefully studied. In this regard, they expressed concern over the non-representation and under-representation of several Member States, especially developing countries and countries with economies in transition, in the staffing of the Office of the HCHR as well as in the whole Secretariat of the Office of the HCHR. They maintained that that the High Commissioner should be reporting to the General Assembly, which is a universal body of the United Nations, on matters relating to human rights, and in cases of breaches of international peace and security, which leads to gross and serious violations of human rights such as crimes against humanity, ethnic cleansing and genocide, the Security Council may invite the High Commissioner to report on these violations.”

(o) General principles and positions on reform of the United Nations

- i. “The Ministers reaffirmed the Movement’s general principles and positions on reform of the United Nations, as follows:-
 - UN reform must be comprehensive, inclusive, balanced and pursued in an effective manner. It should fully respect the political nature of the Organization as well as its intergovernmental, universal and democratic character.
 - UN reform should be aimed at strengthening the role of the Organization as the pre-eminent and indispensable forum for addressing critical and complex global issues, including the peaceful resolution of disputes, based on dialogue, cooperation and consensus-building amongst nations.
 - UN reform should focus on strengthening the role of the Organization in promoting international cooperation for development and in implementing the internationally-agreed development goals, including the Millennium Development Goals, through enhanced mechanisms, adequate resources and effective follow-up activities, as well as in the maintenance of international peace and security, taking into account that the Charter clearly provides a role for each of the principal organs.
 - UN reform should include strengthening and revitalization of the principal organs, namely the General Assembly and the Economic and Social Council, as well as reform of the Security Council, and other relevant UN bodies.
 - The revitalization of the work of the General Assembly is part of the comprehensive reform of the Organization, which is a dynamic and ongoing process. Any reform process should lead

to the strengthening of the General Assembly as the chief deliberative, policy-making and representative organ of the UN, and restoring and enhancing its role, including in the maintenance of international peace and security as provided for in the Charter, through the strengthening of its relationship and coordination with other organs, in particular the Security Council.

- Any UN reform proposal should also address systemic issues and requirement for additional human and financial resources that may arise as a result.
- ii. "The Ministers observed the tendency by some to equate United Nations reform with greater empowerment of the Security Council. They emphasised the need to keep the balance among the functions, competencies and responsibilities of the principal organs of the United Nations."
 - iii. "The Ministers endorsed and reiterated the Movement's positions concerning efforts to strengthen the United Nations, including the revitalization of the work of the General Assembly, reform of the Security Council, reform of the Economic and Social Council, reform of the Secretariat, and the proposed establishment of the Human Rights Council and the Peacebuilding Commission, which have been conveyed during the process of consultations convened by the President of the 59th Session of the General Assembly in the context of preparations for the High-Level Plenary Meeting."

Mr. President,

5. The Declaration adopted by the Special Meeting of the Ministers of Foreign Affairs of NAM in Doha provides further inputs in addition to the documents already submitted by NAM to you, Mr. President, and to the UN Secretary-General on the substantive aspect for the Summit in September. You will recall that the Minister of Foreign Affairs of Malaysia, in his capacity as Chairman of the Special Meeting, has already conveyed the Declaration to you. NAM hopes that you would take the Declaration into consideration in the further preparation of the draft outcome document.

6. The recently concluded Second South Summit of the Group of 77 and China (G-77), which was held in Doha from 12 to 16 June 2005, has adopted two important outcome documents – the Doha Declaration and the Doha Plan of Action. All Member Countries of NAM support wholeheartedly the positions taken by the G-77 and China on questions relating to development. In this connection, NAM Member Countries associate themselves with the statement delivered by the distinguished Permanent Representative of Jamaica on behalf of the G-77 and China.

7. In conclusion, NAM Member Countries reiterate their pledge to fully cooperate with you, Mr. President, in your further efforts to move forward this preparatory process for the High-Level Plenary Meeting. We will continue to remain actively engaged in this regard in a constructive and flexible manner, bearing in mind of our interests, concerns and priorities based on our adherence to the fundamental principles, purposes and goals of NAM and our commitment to the principles and purposes of the UN Charter, and international law. We remain prepared to work with other delegations, under your skilful, wise and able guidance, towards achieving a successful outcome at the High-Level Plenary Meeting in September.

Thank you, Mr. President.