



Malaysia

32

Permanent Mission to the United Nations

**STATEMENT BY
HON'BLE K. DEVAMANY
MEMBER OF PARLIAMENT AND
REPRESENTATIVE OF MALAYSIA**

**ON AGENDA ITEM 14:
REPORT OF THE INTERNATIONAL ATOMIC ENERGY AGENCY**

**AT
THE PLENARY OF
THE 59TH SESSION OF THE GENERAL ASSEMBLY**

**NEW YORK
MONDAY, 1 NOVEMBER 2004**

Please check against delivery

Mr. President,

I join others in thanking Mr. Mohamed ElBaradei, Director General of the International Atomic Energy Agency (IAEA), for his presentation to the General Assembly of the annual report of the Agency for 2003 as contained in document GC(48)/3. It was a year of notable success for the Agency in its efforts to ensure that the benefits of nuclear technology were shared globally for economic and social development. My delegation commends the excellent work and efforts of the Agency in fulfilling its mandate during the period under review.

2. Malaysia continues to recognize the value of nuclear technology for the achievement of sustainable development and the process of nation-building and the role played by the Agency in that regard. We reaffirm our support for the Agency in its mission to promote and facilitate the development of nuclear technology for peaceful uses, as embodied in Article II of its Statute. In this connection, the Technical Cooperation Programme (TCP) of the Agency remains a crucial component of its mandate and activities. Malaysia is a beneficiary of this Programme and we commend the Department of Technical Cooperation of the Agency for its continuous efforts in discharging its statutory mandate for the benefit of recipient Member States as well as for its creditable achievements.

3. The success of the Technical Cooperation Programme is very much determined by the sustained availability and sufficient level of financial resources. As a Member State that has long participated in and benefited from the Programme, Malaysia has consistently fulfilled in full and on time its financial obligations to the Agency, including to the Technical Cooperation Fund (TCF) and the Assessed Programme Costs. In this connection, Malaysia is concerned over the shortfall in the current level of payments received in 2004 for the Fund as reported during the 48th Session of the General Conference of the Agency last September. Similarly, Malaysia is concerned over the fact that pledges and payments to the Fund for 2004 stood at only 65.4 percent of the target, with fewer than 60 percent of Member States which have made known their intention. In this regard, Malaysia urges other Member States, both donors and recipients, to disburse their target share in full and on time. This should be done in the interest of promoting and safeguarding the inalienable, collective and individual national rights of Member States to the peaceful uses of atomic energy through the Programme as envisaged under Article IV of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

4. In relation to financial contributions pledged to the Technical Cooperation Fund for 2005, Malaysia, in pledging its full assessed target share, urges those Member States which have yet to do so to proclaim their pledges without delay. Member States should disburse their contributions in full at the earliest opportunity. Reasonably assured financial resources would certainly facilitate the Agency's work in preparing a proposed Technical Cooperation Programme for 2005, which would be considered by the meeting of the Technical Assistance and Cooperation Committee of the Agency later this month. We hope that the approved Programme would be successfully implemented without hindrance or uncertainty.

Mr. President,

5. Nuclear terrorism poses a serious threat to international peace and security. We must continue to be vigilant and consolidate our collective efforts to prevent terrorists and non-State actors from acquiring nuclear weapons and using them to achieve their objectives. Malaysia has taken and will continue to take appropriate measures to prevent this threat in accordance with the principles of international law and relevant instruments, including Security Council Resolution 1540. In this connection, Malaysia remains supportive of the continuous efforts of the IAEA in promoting nuclear security, in particular in providing assistance and technical support to Member States. Malaysia also believes that while measures to promote nuclear security and combat nuclear trafficking should indeed be stepped up, serious efforts should concurrently be made towards achieving the total elimination of nuclear weapons to provide an absolute guarantee against the use of such weapons.

6. Malaysia supports the verification activities of the Agency in accordance with Article III of the Treaty on the Non-proliferation of Nuclear Weapons (NPT) to ensure that peaceful nuclear technology is not transformed to fulfil military purposes. As a State Party to the NPT, Malaysia remains convinced that the continued existence of nuclear weapons poses a threat to survival of humanity and the planet and that their use would have catastrophic consequences for our civilization. In this connection, Malaysia is committed to pursuing particularly the total abolition and elimination of nuclear weapons, including new types of nuclear weapons. Malaysia strongly believes that the absolute goal of a nuclear weapon-free world must remain high on the international disarmament agenda. The continued possession, proliferation and improvement of nuclear weapons should be a source of great concern to the international community in the light of the grave danger that

they pose to international peace and security. Malaysia believes that the States Parties to the NPT must genuinely revisit the issue of compliance by both the nuclear weapon States and the non-nuclear weapon States at the 2005 Review Conference here in New York in May next year.

Mr. President,

7. Malaysia, on behalf of the Non-Aligned Movement (NAM), has consistently expressed the appreciation of NAM to the Director General and the Secretariat of the Agency for their reports to the Board of Governors of the Agency, in particular on the question concerning the implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran and in the Libyan Arab Jamahiriya. NAM has reiterated its full confidence in the ability of the Director General and the Agency in discharging their duties and responsibilities in an impartial, effective and professional manner. NAM believes that such questions should be resolved within the mandate of the Agency.

8. Malaysia once again expresses its appreciation to Mr. Josef Rónaky of Hungary, President of the 48th Regular Session of the IAEA General Conference held last September and to the Vice-Presidents for their leadership in guiding the General Conference to a successful conclusion. My delegation commends Mr. Ibrahim Othman of the Syrian Arab Republic for the efficient manner in which he had chaired the Committee of the Whole. Malaysia recognizes that none of the resolutions adopted by the General Conference require immediate follow-up action. This notwithstanding, Malaysia has full confidence in the Director General and the Agency to carefully examine all decisions and resolutions of the General Conference and to make appropriate recommendations thereto in due course.

9. In this connection, my delegation would like to refer to a resolution of the General Conference entitled "Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol". Malaysia, like other Member Countries of NAM, attached great importance to the effectiveness and strengthening of the safeguards system as well as to the maintenance of an appropriate balance between the Agency's verification and other statutory functions. NAM had worked in good faith to ensure the consensual adoption of the resolution. During the meetings of the Board of Governors during the preceding week, NAM had expressed its serious concern over the complications which might arise if no clear distinction was made between the legal obligations of Member States under their respective Safeguards Agreements and their voluntary commitments. Moreover, voluntary commitments should be entered into for a specified period and should cease to be binding once the relevant requirements have been met. Member States should respect the fundamental principle that decisions and resolutions on safeguards issues should be compatible with the relevant provisions of the Statute and the rights and obligations of States under relevant treaties and their Safeguards Agreements. Malaysia is indeed pleased that these views are shared by other Members of the Board of Governors.

10. Malaysia recognizes that consensus was elusive on the question of compatibility of decisions relating to safeguards with the relevant provisions of the Statute. As such, Malaysia and the Member Countries of NAM take serious note of the statement by The Netherlands, speaking on behalf of the sponsors of the resolution on this question, that they explicitly recognized the importance of all the provisions of the Statute in this regard. However, this pronouncement fell short of the expectations by NAM over the more definitive importance of the relevant treaties and concluded Safeguards Agreements. Similarly, Malaysia notes with concern over attempts to amend the provisions of the NPT through the Agency. Malaysia reiterates that the 2005 Review Conference of the Parties to the NPT should be the most appropriate forum to discuss any question relating to the NPT.

Mr. President,

11. Malaysia joins other Member States of the Agency which belong to the G-77 and China in expressing confidence in and supporting the candidacy of Mr. Mohamed ElBaradei, the current Director General of the Agency, for a further term. The position of the Group has been formally conveyed by the Vienna Chapter of the G-77 on 7 September 2004. We hope that his candidacy will be successful.

12. Finally, Malaysia will join others in supporting the draft resolution of the General Assembly under this item that is now before us in document A/59/L.18. Malaysia considers this text as a procedural one and the provisions contained therein should remain as is since the text represents broad agreement reached among Member States of the Agency in Vienna. We look forward to its adoption by consensus.

I thank you, Mr. President.