



Malaysia

Permanent Mission to the United Nations

**STATEMENT BY
H.E. AMBASSADOR RASTAM MOHD ISA
PERMANENT REPRESENTATIVE OF MALAYSIA
TO THE UNITED NATIONS**

ON

AGENDA ITEM 11: REPORT OF THE SECURITY COUNCIL;

AND

**AGENDA ITEM 53: QUESTION OF EQUITABLE REPRESENTATION
ON AND INCREASE IN THE MEMBERSHIP OF THE SECURITY
COUNCIL AND RELATED MATTERS**

AT

**THE PLENARY OF
THE 59TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY
NEW YORK**

TUESDAY, 12 OCTOBER 2004

(Please check against delivery)

Mr. President,

My delegation is pleased to participate in this debate on both Agenda Item 11 and Agenda Item 53.

2. I wish to express my sincere appreciation to the President of the Security Council for the month of October, Ambassador Emyr Jones Parry of the United Kingdom of Great Britain and Northern Ireland, for his presentation of the Annual Report of the Security Council to the General Assembly yesterday. My delegation has taken note of the Council's Report as contained in document A/59/2.

3. Consideration of the annual report of the Security Council by the General Assembly provides a good opportunity for the larger membership of the Organization to assess the work and performance of the Council during the period under review. This would be in keeping with Articles 15 and 24 of the Charter of the United Nations. Malaysia appreciates the serious efforts initiated by Mr. Julian Hunte, President of the 58th Session of the General Assembly to institute greater and regular interaction between the General Assembly and the Council. We especially welcomed the adoption of General Assembly Resolution 58/126 of 13 January 2004. Part A of the Annex to that Resolution contains, *inter alia*, references to the relationship between the General Assembly and the Security Council, in the context of revitalizing the work of the General Assembly. It should also be seen in the context of promoting transparency in the work of the Security Council.

4. My delegation recalls that an open meeting of the Council for the purpose of discussing its report before submission to the General Assembly was convened prior to its 57th Session. This would have promoted greater transparency and accountability in the work of the Council. We regret that the Council has done away with this practice. We also regret the late issuance of the document A/59/2.

Mr. President,

5. The Report of the Security Council has shown a significant improvement in the Council's method of work. However, it continues to lack a substantive and analytical account of the work of the Council. The incorporation of more details and analyses beyond a factual account of the Council's work could certainly help the wider membership of the United Nations to appreciate the circumstances that had influenced the decisions of the Council on a particular issue. This would enable a greater appreciation of the achievements made or difficulties faced by the Council on all questions under its consideration. This could allow non-Council Members to offer suggestions to the Council on possible measures to further improve the work of the Council.

6. My delegation notes that the Council addressed a wide range of issues during the period under review. A total of 213 meetings were held and 60 resolutions adopted. Conflicts and instability in Africa continue to dominate the work of the Council. Malaysia is pleased that the situation in Liberia has considerably improved and Guinea-Bissau has successfully completed the first phase of its transitional political process. The Security Council Mission that visited some countries in the African continent in June this year has made some important recommendations towards establishing political stability in the sub-regions. Those recommendations should be supported. Malaysia looks forward to the Council taking more effective decisions on conflict situations particularly in Africa.

7. We agree that the holding of thematic discussions is useful to improve the effectiveness of the Council. We note that twelve sessions for thematic discussions as well as 73 open debates and briefings were convened. Malaysia considers thematic discussions and open debates as avenues for allowing Council members and the wider membership of the United Nations to offer views and suggestions on issues directly related to the work of the Council. However, it is not clear whether these have actually been fully considered by the Council when arriving at decisions.

8. Given the increasing workload of the Council, we believe that thematic discussions should be kept to the minimum and held specifically with a view to achieving concrete results which would have an impact on the performance not only of the Council but also the United Nations at large. We continue to believe that thematic discussions and other important issues addressed by the Council from time to time would merit the submission of special reports to the General Assembly as provided for under Articles 15 and 24 of the Charter and in keeping with the intent of General Assembly Resolution 58/126.

9. My delegation fully appreciates the practice increasingly adopted in the Security Council to urge speakers to be brief in their statements. We understand the need to respect precious time. However, we feel that this should be done in a manner that also respects the principles embodied in the Charter as well as the Council's own Provisional Rules of Procedure. At the same time, I would urge the Council to respect the wishes of the UN member states to express their views publicly in the Council particularly on issues of wider concern to all, such as on international terrorism and WMDs. In this connection, any decision by the Council to restrict participation in its open meetings, such as occurred on 8 October 2004, will not be helpful to maintaining the spirit of cooperation between the Council and the larger body of UN membership. On these very important questions related to international peace and security, everyone is a stakeholder. This is especially so in the case of the work of the Security Council concerning the fight against international terrorism.

Mr. President,

10. My delegation notes that the Council has increased the invocation of Chapter VII of the Charter. Since 1 August 2003, 28 of its resolutions contain this provision. We strongly believe that Chapter VII must be invoked responsibly after careful consideration of a given question. The Council must not apply double standards. For instance, why has the Council not invoked Chapter VII concerning the Palestinian Question despite the apparent threats to the peace, breaches of the peace, or acts of aggression committed by Israel? Chapter VII should not be invoked to advance narrow political objectives or to satisfy certain national interests. It is the collective interest of the wider membership in the maintenance of international peace and security that should be a major consideration.

11. Malaysia is concerned with recent trend in the Security Council to prescribe legislation to Member States through its resolutions which also invoke Chapter VII. Council Resolutions 1540 and 1566 are a case in point. Malaysia has registered the concerns of the Non-Aligned Movement concerning resolution 1540 in the Council's public meeting on 22 April 2004. We have insisted that the substance of resolutions such as that should form a useful basis for Member States of the United Nations to consider formulating in due course a comprehensive multilaterally-negotiated legal instrument to address the specific question at hand. Malaysia would urge the Council to be more circumspect in its attitude towards prescribing legislative measures and invoking Chapter VII on behalf of the member states of the United Nations.

Mr. President,

12. Malaysia applauds the Council's continued interest on the Palestinian Question through the monthly briefings and open debates. A total of 20 meetings and 33 informal consultations were convened on this question. This notwithstanding, only one resolution was adopted by the Council, namely resolution 1544 of 19 May 2004 that pertains to the demolition of Palestinian homes in the Rafah refugee camp committed by Israel.

13. The Security Council must improve and maintain its credibility by enforcing its authority concerning the Palestinian Question, in particular in respect of commitment to the Road Map and to the two-State solution, the end of occupation of Palestinian and other Arab territories, and the termination of Israel's settler colonialism activities and the reversal of the construction of the Separation Wall. The Council must not allow its resolutions to be manipulated or that the Council itself be prevented from doing anything meaningful. The Council must resolutely take action concerning the construction of the Israeli expansionist Separation Wall, which has been declared illegal in the Advisory Opinion issued by the International Court of Justice. Malaysia hopes that this will be done soon on the basis of the initiative presently before the Council.

14. The question of Iraq naturally has continued to dominate the attention of the Security Council. Iraq is still in turmoil despite all efforts to improve the situation on the ground. Although Security Council Resolution 1546 of 8 June 2004 has returned the sovereignty to the people of Iraq, peace, security and stability remain a major concern in Iraq. Malaysia reiterates its call for the United Nations to play a leading role, particularly for establishing appropriate conditions in preparation for the elections scheduled for January 2005. An orderly conduct of the elections is critical to the process of reestablishing a truly independent and sovereign government in Iraq. Malaysia reaffirms its conviction that the United Nations has the best credentials to create the right conditions to enable Member States to participate in post-conflict peace-building and reconstruction efforts in Iraq. We look towards the Security Council to find creative ways of achieving these objectives.

Mr. President,

15. The cooperation provided by Member States in the work of the Counter-Terrorism Committee is an excellent illustration of effective multilateralism. Member States have displayed their full commitment in implementing and responding to Security Council Resolution 1373. Certainly this can be anticipated also in respect of Resolution 1566. Malaysia is convinced that the political will displayed by Member States in combating international terrorism would be fortified and gain greater momentum. Sadly, such cooperation is not replicated in the implementation of many other Council resolutions. As Security Council resolutions are legally binding, it is incumbent upon member states to implement them without selectivity. The Security Council must play its role without discrimination to ensure that all member states adhere to and implement its resolutions.

16. We wish to repeat our support for the adoption by the Security Council of clear and precise indicators to measure the work of the Council. One such indicator is the level of compliance by member states in implementing the resolutions of the Council. This would help underscore legitimacy in the work of the United Nations and regain the credibility of the United Nations in the eyes of the international community.

17. On the issue of sanctions Malaysia, in principle, continues to oppose their imposition due to the debilitating impact of sanctions on the general population of a member state. Sanctions should be utilized as a measure of last resort and after careful consideration of their ramifications. The imposition of sanctions should hit their intended target and not the innocent populace. Sanctions must be devised with clear parameters including specific and clearly identified targets, time frame and regular impact assessment. Malaysia hopes that the Working Group of the Security Council concerning sanctions could expedite its work towards reaching a decision on the recommended duration and termination of sanctions. In this connection, Malaysia welcomes the lifting of the Council-imposed sanctions against Iraq and Libyan Arab Jamahiriya during the period under review.

Mr. President,

18. Turning to Agenda Item 53, my delegation wishes to state that we agree with the prevailing view that the United Nations including the Security Council, needs to be reformed in such a way as to enhance both its effectiveness and its credibility. It is essential that the countries that play a major role in the maintenance of international peace and security participate actively in the decision making process of the Security Council. As the number of Member States, and with it the proportion of developing countries, has increased dramatically, the representation of the Security Council needs to be enhanced. For that purpose, the Security Council must be expanded in both the permanent and non-permanent categories. During the General Debate of the 59th Session of the General Assembly, 149 countries had referred to the need for Security Council reform. Out of these, 86 countries had supported expansion in both categories of membership.

19. I should like to recall the address delivered by the Honourable Dato' Seri Abdullah Ahmad Badawi, Prime Minister of Malaysia at the General Debate of the 59th Session of the Assembly on 27 September 2004. He has said that the Security Council should be rendered more democratic and representative of the number and geographical spread of its international membership. He also said that the exercise of the veto by the Permanent Members of the Security Council should be regulated so as to prohibit that power being used at the sole discretion of its holder unjustly to overrule the wish of the majority. He believed that this injustice could be rectified, for instance, by making certain types of resolutions of the General Assembly capable of setting aside a Security Council veto.

Mr. President,

20. We look forward to receiving the report to be submitted early next year by the Secretary-General pursuant to the recommendations of the High-Level Panel on Threats, Challenges and Change, including, we anticipate, recommendations concerning Security Council reform. Meanwhile, Malaysia looks forward to your leadership, Mr. President, to bring about the much-needed forward movement to the work of the Open-ended Working Group on Security Council Reform. Indeed, international peace and security cannot be fully maintained without significant reform of the Council, in terms of its membership, methods of work, transparency, democratization and the veto. We look forward to working closely with you, other Member States of the United Nations and the Secretary-General to explore new ideas and produce a fresh outlook towards reforming the Security Council. We already possess the necessary tools to advance this reform process. What is required is the full support and political will of Member States.

I thank you, Mr. President.