



Permanent Mission of
Malaysia
to the United Nations



**Statement by the Non-Aligned Movement
at the first meeting of the Ad Hoc Working Group
on the Revitalization of the Work of the General Assembly
delivered by H.E. Mr. Hamidon Ali, Permanent Representative
of Malaysia to the United Nations and Chairman of
the Coordinating Bureau of the Non-Aligned Movement
New York, Thursday, 16 February 2006**

Mr. and Madam Co-chairpersons,

I have the honour to speak on behalf of the Non-Aligned Movement.

2. At the outset, the NAM would like to express its appreciation to you for convening this first meeting of the Ad Hoc Working Group on the Revitalization of the Work of the General Assembly. This meeting would allow all Member States to look into ways and means on how to revitalize the Assembly, bearing in mind its central role in the Organization as well as being the chief deliberative, policy-making and representative organ within the UN system.

3. The purpose for which we are engaged in this present exercise is clear. Paragraph 4 of General Assembly resolution 59/313 urges the Ad Hoc Working Group to identify ways to further enhance the role, authority, effectiveness and efficiency of the Assembly, inter alia, by building on its relevant resolutions and reviewing its agenda and working methods. In your letter, Mr. and Madam Co-Chairpersons, you listed four themes, namely the role and authority of the Assembly, the working methods of the Assembly, the agenda of the Assembly, and the Office of the President of the Assembly. The NAM believes that the themes and issues are not exhaustive. We are of the view that the proposed themes are merely indicative of some of the issues that are open for discussion and comments, which could form the basis for the report that this Ad Hoc Working Group is mandated to submit to the Assembly at its 60th session with specific recommendations on the revitalization of the Assembly.

4. Given that the Ad Hoc Working Group needs to complete its work for its submission to the 61st session, it is important that we begin our active deliberation immediately. In this regard, the NAM would appreciate it if the report by the Secretary-General concerning the implementation of all resolutions regarding the revitalization of the Assembly, including resolutions 58/126, 58/316 and 59/313, as called for by the Assembly in paragraph 19 of resolution 59/313, could be made available as soon as possible to facilitate our work. The information pertaining to the status on the implementation of these resolutions is vital in contributing to our deliberation.

Mr. and Madam Co-chairpersons,

5. There have indeed been many discussions and debate on the revitalization of the General Assembly in the past. The NAM has stated its principled position on this central issue, especially during the deliberations concerning resolution 59/313. Therefore, the NAM does not wish to repeat extensively what it has previously stated. Suffice for us to emphasize at this early stage of work of the Ad Hoc Working Group certain key principles, in the context of the four themes listed in the Co-Chairs' letter.

6. On the first theme, "Role and authority of the General Assembly", the NAM underscores the need for full respect for the functions and powers of the principal organs, in particular the Assembly, and to maintain the balance among them within their respective functions and powers in accordance with the Charter of the United Nations, as well as the need for the Member States of the Organisation, in respecting and upholding the Charter, to stop any attempt to shift issues under the agenda of the Assembly to the Security Council. The NAM stresses that the Council must fully observe all provisions of the Charter as well as all resolutions of the Assembly which clarify its relationship with the latter organ --as the chief deliberative, policy-making and representative organ of the United Nations-- and other principal organs. The NAM further underscores the need for all Member States to

demonstrate political will and renew their commitment to ensure the effective and full implementation of all resolutions of the Assembly pertaining to this issue, including resolution 59/313, on a non-selective and non-discriminatory basis.

7. While mindful of the multi-faceted and multi-disciplinary character of the mandates of peacekeeping operations sanctioned by the Security Council and bearing in mind Article 24 of the Charter, the NAM strongly affirms that Article 24 and such character do not necessarily provide the Council with the competence to address issues which fall within the functions and powers of the General Assembly and the ECOSOC. In this regard, the NAM cautions about the danger of encroachment by the Council on issues which clearly fall within the functions and powers of the Assembly and its subsidiary bodies. While noting that the issues concerning peacekeeping operations management/procurement and sexual exploitation and abuse in peacekeeping operations have been scheduled to be discussed by the Council this month, the NAM recalls that the preparation and submission of the reports concerning these issues were in fact requested by the Assembly and that these issues are still under its active consideration. For example, the Special Committee on Peacekeeping Operations (C-34) will resume its discussion on the issue of sexual exploitation and abuse in peacekeeping operations at its forthcoming session later this month, and that it had adopted some decisions and recommendations on the issue pursuant to the report submitted by the Secretary-General thereof. In addition, the NAM stresses that the Charter provides the Assembly with the competence to consider issues relating to the financial and budgetary arrangements of peacekeeping operations.

8. My delegation considers the decision by the Security Council to discuss issues under the functions and powers of the General Assembly as a deliberate encroachment by the Council on the functions and powers of the Assembly, as well as a conscious attack by the Council on the role, authority and integrity of the Assembly. These trends, which clearly contravene the relevant provisions of the Charter, must be appropriately addressed.

9. The Non-Aligned Movement remains particularly concerned over the exercise of norm-setting and establishing definitions by the Security Council in areas beyond its competencies. The NAM reiterates that, in accordance with Article 13, section 1 of the Charter, the General Assembly, which is the universal and representative forum comprising all Member States of the Organisation, is primarily tasked with the progressive development of international law and its codification. The NAM supports the ongoing efforts under the leadership of the President of the Assembly to strengthen the central role and authority of the Assembly, inspired by the criteria of relevance and efficiency.

10. The Non-Aligned Movement stresses that the Member States of the Organisation have conferred on the Security Council primary responsibility for the maintenance of international peace and security pursuant to Article 24, section 1 of the Charter and that, in carrying out its duties under this responsibility, the Council acts on their behalf. In this respect, the NAM further stresses the accountability of the Council to the General Assembly in a manner consistent with the Charter, in particular Article 24, section 3. This has been recalled in sub-paragraph 2(d) of resolution 59/313 in which the Security Council is invited to submit periodically, in accordance with Article 24 of the Charter, special subject-oriented reports to the General Assembly for its consideration on current international issues of concern.

Mr. and Madam Co-chairpersons,

11. On the second theme, "Working methods of the General Assembly" the NAM reiterates that efforts to enable the Assembly to perform its functions as set out in the Charter must not be limited just to procedural measures pertaining to its working methods. The NAM recalls that resolution 55/285 stipulates that the improvement of procedural and working methods of the Assembly is only a first step towards more substantive improvements in and revitalization of the Assembly.

12. On the third theme, "Agenda of the General Assembly", the NAM reiterates that any proposal pertaining to the rationalization of the Assembly's agenda has to be referred to Member States, with a view to securing their consent thereof. In this respect, the NAM would like to further reiterate that the review currently underway of all mandates older than five years originating from Assembly resolutions and other organs, which is closely linked with the agenda of the Assembly, does not apply to those mandates relating to the Occupied Palestinian Territories and Occupied Syrian Golan. This position is premised on the fact that these mandates are renewed annually by the Assembly.

13. On the fourth theme, “Office of the President of the General Assembly”, and in view of the considerations that I have mentioned under the first theme, the NAM considers it to be incumbent upon the President to institute necessary measures, within his powers and mandate, to uphold the primacy of and full respect for the Charter and the Assembly. The NAM believes that it may be useful if the President, consistent with resolution 58/126, could discuss with the President of the Security Council the issue of encroachment by the latter organ on the functions and powers of the Assembly in order to ensure increased coherence and complementarity between the Assembly and the Council in a mutually reinforcing manner, respectful of each others’ mandates. The NAM further believes that it may also be useful if the President of the Assembly, consistent with Article 10 of the Charter, could explore the possibility of convening a meeting of the Assembly to consider the issues concerning peacekeeping operations management/procurement and sexual exploitation and abuse in peacekeeping operations.

Mr. and Madam Co-chairpersons,

14. The revitalization of the General Assembly, as part of the comprehensive reform of the Organization, is a dynamic and ongoing process. The NAM would remain committed and constructive throughout this ongoing exercise which the Ad Hoc Working Group on the Revitalization of the Work of the General Assembly is embarking on, to realize the strengthening of the 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.

15. In concluding, I wish to add that for the United Nations to remain relevant and capable of meeting the myriad of current and future threats and challenges, close cooperation and coordination among the principle organs of the United Nations, in conformity with their respective functions and responsibilities as set out in the Charter, would be highly essential.

Thank you, Mr. and Madam Co-chairpersons.