



*Permanent Mission of*  
**Malaysia**  
*to the United Nations*



Statement by the Non-Aligned Movement  
at the Public Meeting of the Security Council  
on Peacekeeping Operations Management (Procurement)  
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, 22 February 2006

Mr. President,

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

2. At the outset, the NAM congratulates you on your assumption to the Presidency of the Security Council for the month of February. My delegation expresses its appreciation to the Security Council for giving its consent to the NAM to participate in this important meeting. Like the Group of 77 and China, the NAM insists that the Security Council is not the forum to be discussing questions relating to peacekeeping operations procurement, which is a matter that falls within the functions and powers of the General Assembly.

3. The General Assembly is the chief oversight body of the United Nations. Oversight of procurement including for peacekeeping operations, as with other aspects of management, is the prerogative of the Assembly. As we all have recognised, the audit in question is one that was mandated by the Assembly through its resolution 59/296. In point of fact, the proposal requesting the Secretary-General to conduct a comprehensive management audit of risk areas in the management of peacekeeping operations was introduced by the developing countries in order to identify possible instances of fraud and abuse of authority. The outcome of this audit, which is contained in the draft report of the OIOS, is yet to be introduced in the Assembly.

4. It is not only inappropriate, therefore, for the Security Council to discuss issues of oversight and management which are the functions of the General Assembly, it is even more inappropriate to have this discussion based on a report or the salient elements of a report that was mandated by the Assembly and which is to be placed before it by the Secretary-General in due course. We are all of course, well aware of the consequences of the Security Council involving itself in the management of UN programmes. The Volcker Committee report and its searing criticism of the role played by the Security Council are all too fresh to all of us. We would have preferred that the Security Council would draw its lessons from the consequences emanating from that report and desist from continuing its encroachment into areas that are beyond its mandate and competence.

5. 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 peacekeeping operations procurement is being discussed by the Council, respectively, the NAM recalls once again 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. 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. Premised on these arguments, the NAM cautions about the danger if the Council were to subsequently adopt an outcome on these two issues that could prejudice or undermine the decision or recommendation that would be made by the Assembly in due course.

Mr. President,

6. 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, 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, and the ECOSOC for that matter, 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, policymaking and representative organ of the United Nations -- and other principal organs.

7. The Non-Aligned Movement remains particularly concerned over the exercise of norm-setting and establishing definitions by the Security Council in areas beyond its mandate and competence. 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.

8. The NAM has called on the President of the General Assembly to institute necessary measures, within his powers and mandate, to uphold the primacy of and full respect for the Charter and the Assembly. Similarly, the NAM believes that the President of the Council would do likewise. In this connection, the NAM would strongly urge the President of the Assembly, the President of this Council and the President of the Economic and Social Council, consistent with General Assembly resolution 58/126, to continue to discuss among themselves on a regular basis regarding the agenda and programme of work of the respective principal organs that they represent in order to establish increased coherence and complementarity among these organs in a mutually reinforcing manner, respectful of each others' mandates. In addition, such discussion could certainly generate a mutual understanding among them, with whom the members of the respective organs that they represent have vested in good faith their trust and confidence, on the need to uphold the sacrosanct provisions of the functions and powers of each principal organ as enshrined in the Charter.

9. In concluding, Mr. President, the NAM reaffirms that close cooperation and coordination among the principal organs of the United Nations, in conformity with their respective functions and powers as set out in the Charter, is highly indispensable in order to enable the United Nations to remain relevant and capable of meeting the myriad of current, emerging and future threats and challenges in the fields of development and social advancement, peace and security, human rights and the rule of law.

Thank you, Mr. President.