



Permanent Mission of
Malaysia ⑦
to the United Nations

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STATEMENT BY
MR ZAHID RASTAM,
DELEGATE OF MALAYSIA
ON
AGENDA ITEM 97: CRIME PREVENTION AND CRIMINAL JUSTICE
OF THE THIRD COMMITTEE
OF THE 63RD SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY
NEW YORK, 9 OCTOBER 2008

Mr. Chairman,

Crime is a nefarious reality of life. It exists in many forms. It exists in all societies regardless of wealth or status of development. And in our globalised world, it exists even in both our terrestrial and online realities. Crime is present everywhere, but it cannot be allowed to persist.

2. It is Malaysia's position that investment by countries in their basic crime prevention efforts brings about benefits that can extend from the local to the national, regional and even international levels. However, as we expand the scope of this investment, continued international co-operation in the forms of exchange of information, capacity-building, technology-transfer as well as confidence-building measures need to be enhanced to allow countries to gain trust and capability. This will also allow countries to better integrate their work in more practical and operational aspects.

3. In combating transnational crime, Malaysia believes that bilateral cooperation between countries on issues of similar concerns and interests remain an important and effective method. In this regard, the sharing of information, and also intelligence, needs to be done on a needs and reciprocal basis, within the limits of the domestic legislation and regulations of a particular country, and with respect to the sensitivity of that information. Through our experience, bilateral agency-to-agency contact remains the most effective way at sharing information. The challenge for all countries hence is to allow this information to be shared on a wider scale for practical uses. In this regard, legal mechanisms through conventions, treaties, regional arrangements, or bilateral agreements or memorandums of understanding may be required.

Mr. Chairman,

4. We are heartened to note the growing number of States that have ratified the United Nations Convention against Transnational Organised Crime, as reported by the Secretary-General in document A/63/99, which current stands at 147 countries. This is a positive movement towards our common goal of universal ratification and implementation of this instrument. While we move in this direction, we have seen that the Convention has been useful in creating the awareness amongst governments on the serious threat posed by transnational organized crime, and that no country can remain immune to it, nor do they have the option of choosing to isolate or ignore the concern. This awareness is important as it is the common understanding and urgency of the threat which creates the groundswell for action.

5. An element of crime that is of concern to my delegation is the issue of piracy in international waters and armed robbery at sea. While this issue is also discussed under other agenda items in different fora within the General Assembly and other organs of the United Nations, we raise this matter in the Third Committee on the fact that the growing trend of piracy and armed robbery at sea requires a concerted effort on multiple fronts and at multiple levels, particularly by littoral states and in accordance with international law as reflected in UNCLOS. The methods in which demands for ransom are made in recent cases of piracy indicate organized criminal elements which operate over different national borders. In this regard, it would be useful for the UNODC, as the main United Nations agency dealing with the issue of transnational crime, to examine the existence of such a trend within its mandate. Such an endeavour can take place within the scope of the agency's work in assessing organized crime trends. Moreover, the increasing sophistication of weaponry used in piracy and armed robbery at sea can be related to work undertaken with regard to the supplementary protocol to the Convention on Transnational Organised Crime on the Illicit Manufacturing of and Trafficking in Firearms, Their Parts, Components and Ammunition. The laundering of ransom money can also be examined.

Mr. Chairman,

6. As noted in the Report of the Secretary-General contained in document A/63/90 entitled, "Improving the coordination of efforts against trafficking in persons," significant efforts have been undertaken by the international community with regard to this issue. The Inter-Agency Cooperation Group against Trafficking in Persons, UN.GIFT and its Steering Committee, as well as the Vienna Forum to Fight Human Trafficking within the UN.GIFT framework have all been important in creating momentum towards concerted international cooperation in this matter. At the General Assembly, the thematic debate on human trafficking held on 3 June of this year was also an important event to bring together political will and determination.

7. We regret however that the Secretary-General's report chose only to reflect one side of the discussions held at the thematic debate with regard to elaboration of a global action plan. During the thematic debate, and in the subsequent deliberation in the Substantive Session of the ECOSOC 2008, there still remained no consensus on the best way for an effective international response. The views of member states are still divergent on whether the best response is to use the existing Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, or whether a global action plan is the better direction. These different approaches to coordination reinforce the belief of my delegation that continued inter-governmental engagement is necessary on the feasibility of a global action plan.

8. For our part, Malaysia's Anti-Trafficking in Persons Act came into full force effective 28 February of this year, and we will be in a position to accede to the Protocol as soon as the necessary administrative and follow-on procedures are completed. While we remain open to the idea of a global action plan, as with many other Member States, we believe that we should not be rushed into making this determination before the full benefits of the Protocol are assessed.

Mr. Chairman,

9. On a final matter, Malaysia is addressing the issue of corruption as a national priority. We take note of the Report of the Secretary-General contained in document A/63/88 on Preventing and Combating Corrupt Practices. The Malaysian Government had announced the elevation of the status of our Anti-Corruption Agency into a Commission on 21 April this year by providing it with more powers and independence. Moreover, we had deposited our instrument of ratification to the United Nations Convention against Corruption on 24 September 2008, and the Convention will enter into force for Malaysia on the 24th of this month.

10. In conclusion Mr Chairman, while the international community has had many achievements in combating transnational crime, there are many areas that we need to continue to work on and improve. Malaysia lauds the work that has been undertaken by the UN, its agencies and member states in promoting strong respect for and adherence to the basic principles of international justice. Malaysia acknowledges the important work done by the UNODC. Malaysia will continue to give its support, cooperation and commitment in the prevention and fight against crime and in upholding criminal justice.

Thank you.

