



# Malaysia

Permanent Mission to the United Nations

**STATEMENT BY H.E. DATO' HUSSEIN HANIFF,  
PERMANENT REPRESENTATIVE OF MALAYSIA TO THE UNITED NATIONS**

**OPEN DEBATE OF THE SECURITY COUNCIL ON  
"IMPLEMENTATION OF THE NOTE BY THE PRESIDENT OF THE SECURITY  
COUNCIL (S/2010/507)"**

**WEDNESDAY, 30 NOVEMBER 2011**

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Mr. President,

I thank you for convening this debate as well as for the concept paper, both of which are valuable within themselves, and which demonstrate Portugal's continued commitment towards greater openness and transparency in the work of the Security Council under your presidency. My delegation wishes to associate itself with the statement made by Egypt on behalf of the Non-Aligned Movement.

Mr. President,

2. Malaysia firmly believes that reform of the Security Council is pertinent, to ensure that it reflects today's global realities and becomes a more effective and competent body in addressing various challenges and threats to international peace and security. In this regard, we hold the view that the principles of transparency, more frequent interaction with non-members, consistency, as well as efficiency, should be applied to the entire spectrum of the Security Council's work, including in the implementation of its resolutions.

3. My delegation notes with much appreciation the ongoing implementation of several measures contained in document S/2010/507 to enhance the efficiency and transparency of the Council's work. We hope to participate in more interactions such as today's meeting, which we believe will provide the necessary momentum for their implementation.

Mr. President,

4. Allow me to first share my delegation's views on transparency of the work of the Security Council, in particular on sanctions. Malaysia welcomes the further improvement of the procedures and working methods of the Security Council with regard to the sanctions' framework. However, while we maintain the highest respect for the primacy

of Council resolutions, the rules of natural justice dictate that resolutions issued under Chapter VII powers should be mindful of the inherent right of individuals and entities to notice, the right to be heard and the right to be represented. As such, while assistance should always be rendered to third States, which have been inadvertently affected by the applications of sanctions, the rights of individuals affected by sanctions should also be safeguarded, in accordance with principles of international law.

5. In this regard, Malaysia wishes to express its deep concern on the listing process of entities and individuals undertaken through the various Security Council resolutions. This deep concern is in relation to the refusal, thus far, of certain sanction committees, and by extension the Security Council, to share pertinent information on sanction actions affecting Malaysia.

6. My delegation also notes that progress has been made on transparency procedures in certain sanctions' regimes, which incorporate mechanisms automatically delisting petitioners unless an express decision to retain is taken by the respective sanction committees. Nevertheless, we advocate that more could be done to inject greater elements of transparency and fairness into the listing and delisting processes, to ensure that both processes are in compliance with the basic tenets of natural justice and the rule of law.

7. In the rejection of requests for delisting of individuals, it is incumbent upon the respective committees to inform the relevant member states, or the individuals themselves, the reason for rejection of a delisting request. It is not enough for the committee to merely "make every effort" to provide reasons for objecting to a delisting request, especially considering that significantly more effort has been exerted to establish such sanctions regimes and to further place individuals and entities under it.

8. It would be detrimental to the Council's interests if requests for delisting are rejected under the guise of security, when the real reasons are politically motivated. The sanctions committees are, after all, political bodies, as opposed to independent and impartial judicial bodies. If, however, these sanction committees decide that transparency in decision-making is not possible due to security reasons, then I fear that this process is very much subject to abuse by members of the Security Council.

Mr. President,

9. I would also like to briefly touch upon the issue of encouraging greater interaction with non-members as well as other UN bodies. My delegation believes that the briefings given to the Council by the Special Representatives, Heads of United Nations missions, Chairpersons of the Peace-building Commission as well as the country specific configurations, and by the Secretariat are inherently useful because they provide an account of what is actually happening on the ground.

10. As such, we would encourage greater transparency in these briefings made to the Council and for non-Council members to be allowed to hold watching briefs without

the right to interject or interact. This would not only generate greater interest in these issues among the entire membership, but would also afford non-members of the Council the chance to understand subjects and viewpoints of the Council, as well as minimise political speculation which could lead to misunderstandings with non-members of the Council.

Mr. President,

11. Finally, I would like to commend you for an exemplary stewardship of the Council for the month of November, which in itself demonstrates reform of the Council's working methods. We have observed your briefings to members of the press, your constant communications with other non-members on the work of the Council, and your deference to the work of the General Assembly. My delegation also appreciates the opportunity to participate in two open debates this month. This month, we have seen an increase in the transparency and interaction of the Council, and we hope that this impetus will continue in the months and years to come.

I thank you, Mr. President.