



MALAYSIA

PERMANENT MISSION TO THE UNITED NATIONS



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**STATEMENT BY
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**ON AGENDA ITEM 123:
THE QUESTION OF EQUITABLE REPRESENTATION ON AND INCREASE IN
THE MEMBERSHIP OF THE SECURITY COUNCIL AND RELATED MATTERS**

**AT THE 68TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY
NEW YORK, 7 NOVEMBER 2013**

Mr. President,

At the outset, allow me to express my appreciation to you, Mr. President, for convening this important meeting. I wish to confine my statement to Agenda Item 123 on an issue that is not only important to my delegation, but very dear to the entire international community. I also wish to associate my statement with that delivered by the Arab Republic of Egypt on behalf of the Non-Aligned Movement (NAM). At this juncture, allow me to congratulate His Excellency Ambassador Zahir Tanin on his reappointment as Chair of the Intergovernmental Negotiations on the question of equitable representation and increase in the membership of the Security Council and related matters. I also wish to thank him for his efforts in trying to move forward the agenda we have before us, despite the numerous challenges he has faced and many more that lay in front of him.

Mr. President,

2. Let me just state the obvious, we are getting nowhere. As reflected in the numerous statements of a majority of Member States throughout the years, it is abundantly clear that there is a need to reform the Security Council. We have called on greater efficiency and transparency in its working methods. We have insisted that membership of the Security Council is expanded to reflect the global realities of today's world. We have been adamant on the need for better geographical representation. We are in agreement that there is a need to move forward. However, as soon as one attempts to take a step, objections are quickly and vociferously expressed. Thus, we are left in a conundrum of urging all to move forward, yet frowning upon those that actually attempt to do so.

3. Tracing its roots back to General Assembly resolution A/47/62, the issue has for far too long been on the agenda of the General Assembly without any sign of real

progress. We feel that in order for progress to be made, Member States must be willing to compromise and show considerable flexibility. Only then can we stand any chance of inching forward.

Mr. President,

4. At this juncture, allow me to reminisce on Malaysia's position on Security Council reform beginning with the adoption of resolution A/47/62. Our former Permanent Representative and also former President of the General Assembly, H.E. Ambassador Razali Ismail, had in 1997 introduced the first ever comprehensive proposal for Security Council Reform called the 'Razali Proposal'. In essence, the proposal would see an expansion in membership of the Council and improved transparency in its working methods. It would see an addition of five permanent members and four non-permanent members to the Council. Of the five new permanent members proposed, three would be from developing states, one from Africa, one from Asia and the other from Latin America. The remaining two seats would be filled by 'industrialized states'. As for the additional four non-permanent members, the seats would be filled from Africa, Asia, Eastern Europe, and Latin America and the Caribbean.

5. As many Member States considered the Council's veto power to be anachronistic and undemocratic, veto power should not be extended to the new members. At the same time, current permanent members were also urged to refrain from using their veto power. On transparency, the Razali Proposal envisages, among others, regular scheduled and open meetings attended by concerned or "affected" states; regular meetings between the Council and other UN organs; open debates before the Council takes a decision; and, greater use of the International Court of Justice for advisory opinions. While the Razali Proposal was unsuccessful, it did manage to encapsulate the various aspects of Security Council reform. It also provided food for thought and has led to the current deliberations taking place.

6. As all of us are well aware, the main reason for the Razali Proposal not being successful is due to the different positions Member States have towards reform. We now have several groupings of like-minded countries before us with different views on how a revamped Council should look like. Some, who see themselves as being qualified to hold a permanent seat, have current permanent members against their permanent membership. There is also regional rivalry that impedes Member States from gaining any consensus on a certain composition. In the meantime, permanent members are in no rush to actually reform the Council, as they would stand the most to lose in terms of comparative advantage and privileged position in comparison to other Member States. This is understandable. Yet, one cannot dismiss the fact that the UN has seen a dramatic increase in its membership since the last change in composition of the Security Council in 1965. It is also impossible for them to ignore the call for increased regional representation and reform in the working methods of the Council.

Mr. President,

7. The Razali proposal has formed the basis of Malaysia's position on Security Council reform. Malaysia is of the view that the Security Council should be reformed in a comprehensive manner, both in terms of its working methods and expansion of its membership, in order to make it more legitimate, representative, democratic and transparent.

8. On the membership of the Council, we support the expansion of both categories, namely the Permanent and Non-Permanent Members. This would not only reflect the current number of UN membership of 193 Member States, but also to reflect the ability of the Security Council today to represent the interest of all Member States in the maintenance of world peace and security. At the same time, we do recognize the need for Africa to be more represented. The region features prominently in the agenda of the Council. Due to this, Africa is entitled to have its voice in the Council consistently and continuously heard.

9. Malaysia is of the view that the question of veto is a cardinal issue as it impinges directly on the decision-making process of the Council. The veto power negates the principle of sovereign equality and is anachronistic. Hence, Malaysia is generally against the use of veto power, which allows one Member State the power to overrule the wishes of the majority. By extension, we are also not in favour of extending veto powers to any new Permanent Members. However, we need to be realistic in what we can accomplish. On this, we are open to any proposal that would allow progress to be made on this matter. For instance, we could consider extending veto powers to new Permanent Members if there was a requirement for three or more Permanent Members exercising their veto powers for a resolution or decision to be blocked. Nevertheless, we continue to call for a restraint in the use of veto powers especially in cases of international crimes of the most serious nature such as in instances of genocide, war crimes and crimes against humanity.

10. Malaysia also supports an improvement in the working methods of the Security Council and has consistently called for greater transparency and participation of non-members in discussions.

Mr. President,

11. My delegation is certain that there are goals that we are all in favour of and aspire to achieve. Rather than concentrating on the divergence of views that separate us, why not focus on the similarities that would enable us to achieve tangible results. Last year, we could almost taste some progress being made with the S5 initiative. Unfortunately, its draft resolution was withdrawn at the eleventh hour. This has led to where we are now – nowhere. Maybe we should revisit some of the proposals under the S5 initiative.

12. In relation to this, Malaysia believes that improving the working methods of the Security Council is an area where progress can be achieved in a relatively shorter time frame. The Notes by the President of the Security Council S/2010/507 and S/2013/515 are essential references that would pave a practical way forward to address the shortcomings in the working methods of the Council. Most recently, the Council convened an open debate on this topic with many useful inputs and views from Member States on ways to enhance transparency, efficiency and interaction of the Council with the non-Council members. The debate reflects the continued interest of the wider UN membership towards the working methods of the Council.

13. We welcome the increase in the number of public meetings and appreciate the Council's readiness to take on board the views and contributions of non-members as well as regional and sub-regional organizations. In this regard, Malaysia hopes to see the Council continue with the well-established practice of convening open debates. We commend the Council for maintaining regular communication and consultations with the Peacebuilding Commission (PBC), country specific configurations and troop contributing countries (TCCs). We also welcome the wrap-up sessions at the end of Presidency as well as the holding of 'Arria-Formula' meetings, which are some of the methods being utilized to enhance closer interaction with non-Council members.

Mr. President,

14. Aspiring to become a non-permanent member of the Security Council in 2015, Malaysia cannot help but to be worried in instances where the permanent members convene discussions first, before decisions are conveyed and drafts shared to the rest of the members of the Council very close to adoption. Similarly, we are also concerned at the selection process of chairs of subsidiary bodies of the Council. Malaysia is of the view that all Council members are eligible and qualified to fulfill those functions and that non-permanent members should also therefore increasingly be appointed to some of the key posts.

15. Another area of concern is the continuous encroachment of the Security Council in matters that clearly fall under the prerogative of the General Assembly. All principal organs of the UN, particularly the two leading organs – the General Assembly and the Security Council, must faithfully respect each other's mandates in accordance with the UN Charter. Close cooperation and coordination among all principal organs are indispensable to enable the UN to remain relevant and capable of meeting the present, new and emerging international threats and challenges.

Mr. President,

16. As mentioned earlier, we believe that we could address some pertinent issues that fall under the ambit of the working methods of the Security Council. We are sure that there are certain areas that all of us can agree on. By taking the entrenched position that Security Council reform be in the form of a composite package, we run the risk of staying put for many years to come. Thus, maybe it is time that we address the

issue of working methods and for the time being, keep it separate from the Council membership reform debate. We could do so by focusing on certain aspects, or what my delegation describes as 'low-lying fruits', which does not require amending the UN Charter. This could be done without prejudging the final outcome of the overall reform package. We could start by looking into some of the topics currently being worked on by ACT (the Accountability, Coherence and Transparency Group). It does not necessarily mean that we should look at all the topics in parallel. Maybe less contentious ones for a start. In short, whatever we can agree to and adopt would be a good enough starting point when compared to achieving absolutely nothing, which is exactly what we have managed all these years. We believe that any breakthrough, though small in the eyes of the rest of the world, would finally put us on our way towards reforming the Security Council.

Mr. President,

17. Ambassador Tanin had made bold proposals on how to move forward via his letter of 27 July 2012. As my delegation has mentioned before, the letter captured well the current state of play vis-à-vis Security Council reform. As we approach 2015, that is, 10 years after the 2005 World Summit which saw our leaders commit themselves to an early reform of the Council, we cannot continue in the manner of the last nine rounds of intergovernmental negotiations. We cannot simply engage in mere statement reading sessions and hope that we could make progress. In this, it seems obvious that the reason why there is a lack of momentum is because States do not have a negotiating text before them. My delegation would disagree that the proposal last year to have a working document as a basis for negotiations did not enjoy the support of the wider membership. On the contrary, it was clear that many delegations were in favour of moving forward in this manner. A Member State-driven process with the Chair drafting the working document would provide legitimacy to the draft. Only then would we be able to conduct actual negotiations and identify areas where differences could be bridged.

Mr. President,

18. Malaysia takes note of your decision to establish an 'Advisory Group' comprising of six Permanent Representatives to assist you in producing a basis for the start of the Intergovernmental Negotiations and that reflects the ideas put forward by Member States thus far. We appreciate clarification that the Group is advisory in nature and does not have a negotiating role.

19. We understand that some have concerns on the nature of the Group and its relations with the Intergovernmental Negotiations process. On this, Malaysia is of the view that the Advisory Group should not in any way undermine the Intergovernmental Negotiations or the framework provided by GA decision 62/557.

Mr. President,

20. In conclusion, we need to make real progress and move away from the entrenched national and group positions. In the coming months, progress will be measured not only by sheer determination of those who wish to see the process move forward, but by the flexibility of delegations to see opportunities rather than obstacles in this path that we have embarked upon. I wish to assure you of my delegation's support and cooperation to work with you and other Member States in this regard.

Thank you.