



**Permanent Mission of**  
**Malaysia** (13)  
**to the United Nations**

*(Please check against delivery)*

**STATEMENT BY MS. NUR RUWENA MOHD NURDIN, REPRESENTATIVE OF MALAYSIA ON AGENDA ITEM 85: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANISATION AT THE SIXTH COMMITTEE OF THE 62<sup>ND</sup> SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY, NEW YORK, OCTOBER 16, 2007**

Mr. Chairman,

My delegation expresses its appreciation to the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organisation for its report (A/62/33) submitted for consideration by the General Assembly at this 62<sup>nd</sup> session.

2. My delegation continues to stress the need for the United Nations to remain the primary forum for ensuring the maintenance of international peace and security based on the principles of the UN Charter and international law. In this regard, we welcome the papers submitted by the various delegations in reaching towards this objective.

3. Malaysia stands by its view that disputes must be settled peacefully, more so when they are likely to endanger the maintenance of international peace and security. Malaysia recognises the important role of the International Court of Justice (ICJ) in adjudicating disputes among States and the value of its work. States should utilise the facility of the ICJ to seek the peaceful settlement of disputes and avoid the use or threat of the use of force as a measure of settling differences between States on all matters.

Mr. Chairman,

4. On the Russian Federation's revised Working Paper (A/AC.182/L.114/Rev.2) submitted in February this year, Malaysia commends the efforts of the Russian Federation and agrees that the impact of the implementation of sanctions against targeted States on third States would need careful consideration to avoid unintended consequences and implementation difficulties.

5. Malaysia is of the view that sanctions should only be considered to be imposed only after all means of peaceful settlement of disputes under Chapter VI of the Charter have been exhausted and a thorough consideration undertaken of the short-term and long term effects of such sanction. Sanctions should only be implemented and monitored effectively with clear benchmarks and should be periodically reviewed, as appropriate, and remain for as limited a period as necessary and should be terminated once their objectives have been achieved. The conditions demanded of the country or party on which sanctions are imposed should be clearly defined and subject to periodic review. Attempts to impose or to prolong the application of sanctions to achieve political ends should be rejected.

6. Malaysia holds the view that monitoring by the Security Council or by its subsidiary organs should not be done for "targeting" of particular States. Malaysia is concerned that such arbitrary targeting may also be done under the guise of providing "technical assistance" for implementation. In this regard, based on our experiences in implementing certain Security Council resolutions, Malaysia suggests the issuance of Implementation Guidelines or an avenue to seek clarification. Further, it is noted in relation to SCR 1737 and 1747 that provision is made to deal with non-compliance by implementing States but the consequences are yet unclear as these provisions have not been operationalised. Malaysia is of the view that this type of operating procedure needs further scrutiny and care in drafting.

Mr. Chairman,

7. With regard to the Working Paper submitted by Libyan Arab Jamahiriya (A/AC.182/L.110/Rev.1) on the strengthening of certain principles concerning the impact of and application of sanctions, Malaysia has no objection to the consideration of that Paper in the Special Committee if it is determined to be within the Committee's Terms of Reference and is guided by the Chairman's confirmation on the issue. Malaysia strongly advocates that all Charter and international law criteria are strictly adhered to in the imposition of sanctions in particular, the right of targeted States to be heard well beforehand. Chapter VII powers must be used sparingly and judiciously with due regard. In this regard, Malaysia supports the call for a transparent decision-making process to ensure the legitimacy of the actions taken including those under Chapter VII.

Mr. Chairman,

8. Malaysia also notes the Working Paper by the Russian Federation entitled "Fundamentals of the Legal Basis for United Nations Peacekeeping Operations in the Context of Chapter VI of the Charter of the United Nations" (A/AC.182/L.89/Add.2 and Corr.1). As a troop contributing country, Malaysia notes the vacuum in the Charter on the issue of peacekeeping missions. The consequent use of implied Chapter VI powers to deploy peacekeeping missions has been recognised and debated for some time. Thus the proposed basic principles and criteria for the work of the United Nations peacekeeping missions and mechanisms for the prevention and settlement of crises and conflicts is welcomed to the extent that it seeks to fill this vacuum in the absence of amendments to the Charter for this purpose. The Fourth and Sixth Committees are both working simultaneously to comprehensively review the whole question of peacekeeping operations in particular the study of the feasibility of a new convention on the Criminal Accountability of United Nations Officials and Experts on Mission. Malaysia supports the proposal that the Russian Federation's Paper and relevant sections of the Special Committees reports be brought to the attention of the Chairman of the Fourth Committee.

Mr. Chairman,

9. On the revised working paper submitted by jointly submitted by Belarus and the Russian Federation recommending that an advisory opinion be requested from the ICJ as to legal consequences of the resort of the use of force to use of force by States without prior authorization from the Security Council, except in self-defence, we are convinced that such a request would be appropriate in view of recent developments in world affairs. We have seen that the views of Member States are deeply divided during the discussions on the issue of use of force. As such, we support this proposal as it would contribute to the uniform interpretation and application of the relevant provisions of the Charter.

Thank you, Mr. Chairman.