



# Malaysia

Permanent Mission to the United Nations

**STATEMENT BY MS. FARHANI AHMAD TAJUDDIN, THE REPRESENTATIVE OF MALAYSIA ON AGENDA ITEM 84: 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 65<sup>th</sup> SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY, NEW YORK, 18 OCTOBER 2010**

Madam Chair,

At the outset, allow me to align Malaysia's statement to the statement just made by the Islamic Republic of Iran on behalf of the Non-Aligned Movement. My delegation takes this opportunity to record 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/65/33) submitted for the consideration of the General Assembly at this 65<sup>th</sup> session.

2. Malaysia notes the Working Paper by the Libyan Arab Jamahiriya in 2002 on the strengthening of certain principles concerning the impact and application of sanctions and reiterates that such move should only be made after considering the provisions of the Charter and the principles of international law.

3. Malaysia also note that several long-standing issues remain under the consideration of the Special Committee including the revised working paper submitted by Cuba at the 2009 session entitled "Strengthening of the role of the Organization and enhancing its effectiveness" which seeks to reopen proposals for the reform of the United Nations in particular for the General Assembly to be given the role in keeping peace and security, and the revised Working Paper submitted by Belarus and the Russian Federation, which seeks the International Court of Justice advisory opinion as to the legal consequences of the resort to the use of force by States without prior authorization by the Security Council, except in the exercise to right to self-defence as well as the introduction of a new subject by Ghana entitled "Principles and practical measures / mechanism for strengthening and ensuring more effective cooperation between the United Nations and regional organizations on the maintenance of international peace and security in areas of conflict prevention and resolution and post-conflict peacebuilding and peacekeeping, consistent with Chapter VIII of the Charter of the United Nations" and by Venezuela entitled "Special mechanism for the study on the functional relationship of the General Assembly, the Economic and Social Council, with the Security Council".

4. Considering the complexities and various issues surrounding these proposals, it is only logical that proper study should be conducted before a decision is made. Malaysia is also of the opinion that any new proposals, which envisage amendments to the Charter, should only be considered in the overall context of the reform of the United Nations.

Madam Chair,

5. Regarding the issue of third States affected by the application of sanctions, Malaysia takes note of the Secretary General's report in document A/65/217. Malaysia welcomes the improvement of the UN sanctions regime by the Security Council which is intended to address the question of the effects of sanctions to third State. Malaysia also notes the scarcity of reports by third States of any adverse effects caused by the application of sanctions. However this should not lead to a generalized assumption that the new Security Council approach to targeted sanctions causes no such effects. At the very least bilateral trade and diplomatic relations will be affected. If such adverse effects in turn compromise the economic well-being of the third State, it will undermine that State's full commitment and ability to effectively implement the Security Council sanctions regime even though the State may be fully aware and committed to its UN Charter obligations.

6. Therefore, Malaysia is of the view that there remains a continued necessity for the Special Committee to carry out its mandate under Operative Paragraph 4 of the General Assembly resolution 64/115 to continue the works on the Charter of the United Nations on the strengthening of the role of the organization.

Madam Chair

7. On the issue of "Peaceful Settlement of Disputes", Malaysia reiterates its position that peaceful settlement of disputes as a basic principle enshrined in Article 2(3) of the Charter of the United Nations. There is also theoretical recognition that international disputes should be settled by peaceful means particularly through recourse to the International Court of Justice (ICJ).

8. Malaysia believes in the peaceful settlement of disputes and has resorted to it particularly in its territorial disputes. However, Malaysia would also be looking at other dispute resolution fora for a satisfactory resolution of its disputes or claims. Further, Malaysia values the Court's adherence to its prescribed mandates. Only this will increase the confidence of Member States alike that the Court is able to serve its purposes.

9. Malaysia welcomes the significant progress made in compiling the *Repertory Practice of United Nations Organs* and progress made towards updating the *Repertoire of the Practice of the Security Council*. Malaysia appreciates the work done by the Secretariat and the voluntary contributions by Member States to the trust funds in eliminating backlog in the Repertory and updating the Repertoire and notes the call for voluntary contributions to the trust fund enabling this achievement.

Madam Chair,

10. Malaysia notes the discussion of the Special Committee on the proposal to review its working methods to increase its productivity through among others a decisive decision-making mechanism. Malaysia has no objection to any review that would assist the Special Committee in carrying out its General Assembly resolution mandate. In this regard Malaysia would agree that there should be a clear mechanism to deal with long standing proposals and that decision of this nature should be discussed in the Sixth Committee.

Thank you, Madam Chair.