



Malaysia

Permanent Mission to the United Nations

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STATEMENT BY MS. DOMINIQUE FERNANDES, THE REPRESENTATIVE OF MALAYSIA ON AGENDA ITEM 82: 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 66TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY, NEW YORK, 6 OCTOBER 2011

Mr. Chairman,

At the outset, my delegation wishes to align itself with the statement made by Iran on behalf of the Non-Aligned Movement. My delegation records 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/66/33) submitted for the consideration of the General Assembly at this 66th session.

2. Malaysia notes that the Special Committee considered the revised working paper submitted by the Libya at the 2002 session on the strengthening of certain principles concerning the impact and application of sanctions, the working paper submitted by Cuba at the 2009 session of the Special Committee, entitled "Strengthening of the role Organization and enhancing its effectiveness"; the revised proposal submitted by the Libya with a view to strengthening the role of the UN in the maintenance of international peace and security; the revised working paper submitted by Belarus and the Russian Federation at the 2005 session; and the revised working paper submitted by the Bolivarian Republic of Venezuela entitled "Open-ended working group to study the proper implementation of the Charter of the UN with respect to the functional relationship of its organs".

Mr. Chairman,

3. In relation to the Report of the Secretary-General on the Implementation of the provisions of the Charter of the UN related to assistance to third States affected by the application of sanctions, Malaysia positively notes the further improvement of the procedures and working methods of the Security Council with regard to the sanctions' framework. 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.

4. In this regard, Malaysia notes that the European Court of Justice has underlined the importance of the respect of fundamental human rights in the designation process under UN Security Council resolutions. While Malaysia respects the primacy of UN Security Council resolutions, the rules of natural justice dictates that UN Security Council 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.

5. While Malaysia notes that progress has been made on transparency procedures in certain sanctions' regimes which incorporates sunset mechanisms automatically de-listing petitioners unless an express decision to retain is taken by the Committee, Malaysia is of the view that more can be done to inject greater elements of transparency and fairness into the listing and de-listing processes to ensure that both processes are in compliance with the basic tenets of natural justice and the rule of law.

Mr. Chairman,

6. On the identification of new subjects, Malaysia notes that there are long standing issues on the agenda of the Special Committee in part due to the inability to reach a consensus after years of debates. It would therefore be beneficial for these long standing issues to be disposed of before new subjects are considered to enable the resources of the Special Committee to be fully utilized.

Thank you, Mr. Chairman.