



Malaysia

Permanent Mission to the United Nations

(Please check against delivery)

**Statement by H.E. Ambassador Hussein Haniff,
Permanent Representative of Malaysia to the United Nations,
before the Special Committee on the Charter of the United Nations
and on the Strengthening of the Role of the Organization,
New York, 20 February 2013**

Mr. Chairman,

At the outset, I wish to congratulate you, Mr. Chairman, and members of your bureau on your election. We pledge our support to you in guiding the Special Committee in its deliberations in the days ahead. At this juncture, allow me to align my statement with that delivered by the Islamic Republic of Iran on behalf of the Non-Aligned Movement (NAM).

2. As with the Movement, Malaysia attaches great importance to the work of the Special Committee on the Charter of the United Nations (UN) and on the Strengthening of the Role of the Organization. It is the only mechanism within the UN system that openly discusses issues related to the UN Charter. It has played a positive role in the maintenance of international peace and security and promoting the peaceful settlement of disputes. As such, we believe that the proposals before this Special Committee merits in-depth consideration.

Mr. Chairman,

3. On the question of maintaining international peace and security, the impact of the application of sanctions is a concern to all member states, including Malaysia. In principle, we are against the application of sanctions. It generally hurts the people of a State instead of its intended target. In our view, sanctions should only be considered as a last resort and when there is a clear threat to international peace and security. It should also be applied in accordance to the UN Charter and relevant principles of international law.

4. Malaysia takes note of 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, A/67/190. We appreciate that the Security Council continues to shift from comprehensive economic sanctions to targeted sanctions, which have helped reduce the potential negative impact on third States. However, due to the wide and adverse impact of sanctions in an era of globalization and a world of economic interdependence, we believe that the issue should continue to be considered and discussed.

Mr. Chairman,

5. My delegation finds merit in the proposal to study the proper implementation of the Charter of the United Nations with respect to the functional relationship of its organs. Representing all 193 Member States, the General Assembly is the chief deliberative, policy-making and representative organ of the UN. Consequently, its role and authority must be preserved. The Special Committee, in accordance with its mandate as provided for by relevant General Assembly resolutions, is thus, an appropriate forum to consider this issue. This proposal is also timely considering various instances of encroachment of the Security Council into issues that fall within the competence of other UN organs. This is something that my delegation views seriously.

Mr. Chairman,

6. The adoption of resolution 67/95 on the Thirtieth Anniversary of the Manila Declaration and the adoption of the Manila Declaration itself 30 years earlier is a reminder of the importance of the peaceful settlement of disputes. It is a basic principle enshrined in Article 2 paragraph 3 of the UN Charter. There is also theoretical recognition that international disputes should be settled by peaceful means, including through recourse to the International Court of Justice (ICJ).

7. Malaysia values the Court's adherence to its prescribed mandates and observance to the rule of law, which would, in turn, boosts the confidence of Member States in the Court's effectiveness in fulfilling its role as the principal judicial organ of the United Nations. Malaysia is committed to the pacific settlement of international disputes through peaceful means, which is reflected by the fact that Malaysia has time and again peacefully resolved its disputes, particularly territorial disputes, with its neighbors through the Court. As such, we support for the topic "Peaceful Settlement of Disputes between States" to remain on the agenda of the Special Committee.

Mr. Chairman,

8. Last but not least, Malaysia welcomes the progress made in compiling the *Repertory Practice of UN Organs* and towards updating the *Repertoire* of the Practice of the Security Council. We appreciate the work done by the Secretariat in eliminating the backlog in the Repertory and updating the Repertoire, thus far, and hope that further effort will be made in this regard.

9. Again, my delegation wishes to stress the importance of the proposals before this Committee. We are concerned on the lack of progress in the consideration of those proposals. This is largely due to the lack of political will and also the working methods employed. In this regard, Malaysia agrees on the need to improve the working methods of this Committee. We also hope that the proposals would be duly considered and analyzed at this session of the Special Committee.

I thank you, Mr. Chairman.