



MALAYSIA

PERMANENT MISSION TO THE UNITED NATIONS

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**STATEMENT BY
H.E. AMBASSADOR HUSSEIN HANIFF
PERMANENT REPRESENTATIVE OF MALAYSIA
TO THE UNITED NATIONS**

**AT THE PLENARY MEETING OF THE 69th SESSION OF
THE UNITED NATIONS GENERAL ASSEMBLY
ON AGENDA ITEM 70, REPORT OF THE INTERNATIONAL COURT OF JUSTICE**

NEW YORK, 30 OCTOBER 2014

Mr. President,

1. At the outset, I would like to take this opportunity to thank Judge Peter Tomka, President of the International Court of Justice, for his presentation of the report of the the Court (A/69/4), for the period of 1 August to 31 July 2014. Malaysia also wishes to associate itself with the statement made by the delegation of the Islamic Republic of Iran on behalf of the Non-Aligned Movement (NAM).

Mr. President,

2. Malaysia recognises and commends the important role played by the International Court of Justice, as a principal organ of the United Nations, in the development of international law and its contribution to the peaceful settlement of international disputes and to the maintenance of international peace and security.

3. My delegation deeply values the Court's adherence to its prescribed mandates and observance to the rule of law. We believe that such adherence would undoubtedly serve to increase the confidence of Member States and non-Member States alike, of the Court's effectiveness in fulfilling its role as the principal judicial organ of the United Nations.

4. We also commend the noble efforts undertaken by the Court to increase public awareness and understanding of its important work in the judicial settlement of international disputes, its advisory functions, case law and working methods, as well as its role within the United Nations, including through its publications and lectures.

Mr. President,

5. Malaysia is committed to the pacific settlement of international disputes through peaceful means. Our commitment is clearly evidenced by the fact that we have resolved our differences with our neighbours peacefully through the Court, namely in the cases of sovereignty over Pulau Ligitan and Pulau Sipadan, and sovereignty over Pulau Batu Puteh, Middle Rocks and South Ledge. While Malaysia does not rule out other dispute resolution mechanisms for a satisfactory resolution of our claims, we believe that the Court has provided the international community with an important, independent, and impartial avenue for Member States to seek legal recourse for their disputes.

6. In relation to this, my delegation believes that in serious questions concerning disputes among States, there is a need to take heed of the important role which the International Court of Justice can play. To be more specific, Malaysia would encourage the organs of the United Nations to take advantage of the Court's issuance of advisory opinions, as provided for under Article 96 paragraph 1. We believe that deliberations on contentious political issues would be better served if supplemented by an authoritative legal opinion. We further recall that there has been precedent for this, in a 1970 advisory opinion on the legal consequences for member States arising from the continued presence of one State in another's territory.

Mr. President,

8. Malaysia also wishes to recall that, by way of Resolution 49/75K adopted on 15 December 1994, the General Assembly, pursuant to Article 96(1) of the United Nations Charter, requested the Court to urgently render its advisory opinion on the question: "Is the threat or use of nuclear weapons in any circumstance permitted under international law?". On 8 July 1996, the Court recognised, for the first time in history, that the threat or use of nuclear weapons is generally contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law. The Court further declared, unanimously, that "there exists a legal obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control".

9. In Malaysia's view, this Opinion by the International Court of Justice constitutes a significant milestone in the international efforts aimed at nuclear disarmament, by lending a moral argument for the total elimination of such devastating weapons. The pronouncements by the highest international legal authority are of historic importance, and cannot be dismissed. With this opinion, the Court has now set legal parameters whereby the use of nuclear weapons indeed ignores customary international law and international treaties. In respect of this advisory opinion, Malaysia since 1996 has annually tabled a resolution "Follow-up to the Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons".

Mr. President,

10. This year, we are also commemorating the tenth anniversary of the 9 July 2004 advisory opinion of the Court entitled “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory”. Malaysia was one of the cosponsors of the resolution ES-10/14 adopted on 8 December 2003 which had requested for the opinion, and our delegation was one of fifteen that had delivered oral statements in the Hague prior to the issuance of the advisory opinion.

11. In this connection, my delegation wishes to reaffirm the Court’s conclusion that Israel cannot rely on a right of self-defence or on a state of necessity, in order to preclude the wrongfulness of the construction of the wall, and that the Court had accordingly found that the construction of the wall, and its associated régime, are contrary to international law.

Mr. President,

12. In conclusion, my delegation underlines our support for the significant work carried out by the International Court of Justice, in the promotion of the peaceful settlement of disputes. Malaysia is a firm believer and advocate of the role of the Court, and we have put this into practice by resolving our territorial disputes through this mechanism. The Court is an integral part of the international multilateral system, and we hope that all member States will continue to hold the highest regard and respect for this important institution.

Thank you Mr. President.