



# Malaysia

Permanent Mission to the United Nations

*(Please check against delivery)*

**STATEMENT BY THE HONOURABLE SENATOR LIHAN JOK  
MEMBER OF PARLIAMENT AND REPRESENTATIVE OF MALAYSIA  
ON AGENDA ITEM 82 ENTITLED**

**“REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS  
AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION”  
AT THE SIXTH COMMITTEE OF THE SIXTY-SEVENTH SESSION OF  
THE UNITED NATIONS GENERAL ASSEMBLY  
NEW YORK, 11 OCTOBER 2012**

Mr. Chairman,

At the outset, allow me to align my statement with that made by the Islamic Republic of Iran on behalf of the Non-Aligned Movement. Malaysia wishes to record its appreciation to the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization for its report A/67/33.

2. Malaysia attaches great importance to the work of the Special Committee. In spite of the various proposals before it, Malaysia is concerned on the lack of progress in the consideration of those proposals. A large part of this is due to the working methods employed, which does not allow for a full discourse and analysis of the proposals. Therefore, Malaysia hopes that the upcoming session of the Special Committee next spring would see a marked difference on how Member States approach the proposals on the table as well as new ones.

Mr. Chairman,

3. The first document adopted by the General Assembly is the ‘Manila Declaration on the Peaceful Settlement of International Disputes’ in 1982. It was the first time that a document was developed on a comprehensive plan and the consolidation of a legal framework for the peaceful settlement of international disputes. In this regard, Malaysia welcomes the proposal of the Philippines to commemorate the 30<sup>th</sup> Anniversary of the Manila Declaration.

4. On the various ways of resolving disputes through peaceful means as detailed under Chapter VI of the UN Charter, the importance of the international Court of Justice cannot be

over emphasized. Being the principal judicial organ of the United Nations, the Court settles legal disputes between States as well as provides advisory opinions on legal matters referred to it by duly authorized UN organs and specialized agencies.

5. 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. Malaysia's commitment is reflected by the fact that Malaysia has time and again peacefully resolved its disputes with its neighbors through the Court.

Mr. Chairman,

6. In principle, Malaysia is against to application of sanctions. Nevertheless, sanctions should only be considered as a last resort and when there is a clear threat to international peace and security.

7. 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. While we appreciate that the Security Council continues to shift from comprehensive economic sanctions to targeted sanctions, we are disappointed that there have been no concrete recommendations on ways to assist third States affected by the unintended impact of sanctions. As such, much work still remains.

8. While Malaysia respects and upholds the primacy of UN Security Council resolutions, the 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. Assistance to States, as well as the individuals and entities involved, would need to be protected and ensured.

9. Malaysia is deeply concerned that certain sanction committees refuse to share pertinent information on sanctions against entities, which affect Member States. Therefore, there is a dire need to inject greater transparency and elements of fairness to the listing, as well as the delisting processes, to ensure that the processes are in compliance with the basic tenets of natural justice and the rule of law.

Mr. Chairman,

10. In conclusion, 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. Malaysia appreciates the work done by the Secretariat in eliminating the backlog in the Repertory and updating the Repertoire.

I thank you, Mr. Chairman.