



Permanent Mission of
Malaysia
to the United Nations

STATEMENT BY
HON. SENATOR DR. MOHD PUAD ZARKASHI
REPRESENTATIVE OF MALAYSIA

ON
AGENDA ITEM 108:
MEASURES TO ELIMINATE INTERNATIONAL
TERRORISM

AT THE SIXTH COMMITTEE OF THE GENERAL
ASSEMBLY

FRIDAY, 7 OCTOBER 2005

(PLEASE CHECK AGAINST DELIVERY)

Mr. Chairman,

Allow me at the outset to extend the warm felicitations of the Malaysian delegation to you and congratulate you on your election as Chairman of the Committee. Our congratulations also go to the other members of the Bureau. I am confident that under your able leadership this Committee will make inroads on the issues that have challenged us over the preceding sessions.

2. My delegation aligns itself with the statement delivered by the distinguished representative of Yemen on behalf of the Organization of Islamic Conference (OIC) and the statement delivered by the distinguished representative of Vietnam on behalf of the Association of Southeast Asian Nations (ASEAN).

Mr. Chairman,

3. Since the governments of the world were galvanized to concerted action against international terrorism by the attacks of September 11, 2001, multi-faceted efforts have been launched both by countries individually and through the collective action of international and regional organizations as well as multilateral co-operative efforts of nations. Yet despite and perhaps because of these counter-terrorist actions, the world has seen not a reduction of these heinous acts but a marked increase of incidents. The attacks in Bali, Saudi Arabia, Madrid, Sharm El-Sheik, London and most recently again in Bali are grim reminders that terrorists can strike at any time and place of their choosing without any regard for the civilian population. These attacks have occurred despite increased vigilance of law enforcement authorities and concerned citizens. These attacks have also been increasingly aimed at "soft targets" as opposed to the legitimate but more difficult intended targets that is government and military facilities and personnel. We have also witnessed an evolving "cause" for terrorism from the call for Islamic jihad of Al-Qaida and its network of terrorist cells to the calls for vengeance for military action taken in Afghanistan and Iraq. Lest we too be lost in the quagmire, let us pause to consider whether there can ever be any justifiable "cause" for acts of violence against unprotected and unarmed civilian populations.

4. If the goal of the terrorist organization is to demoralize the countries and citizens, which it attacks, it underestimates the strength of the human spirit. No right thinking people will bow to the demands and threats of terrorists, no matter the cost. But there will be no "winner" in this war on terrorism, only more unnecessary loss of life and property as levels of violence escalate.

Mr. Chairman,

5. Malaysia is committed to fighting terrorism in all its forms and manifestations. It survived the ordeal of 42 long years (1948 until 1990) of communist insurgency, which brought great suffering, and loss of life and limb and property to a young and newly independent nation and its multiracial and multi-religious people. For Malaysia the lessons learned are of tremendous value and need to be shared as this global effort to deal with the latest form of terrorism continues. Peace was ultimately won, not by capitulating to the terrorist's demands, but by nullifying their claims to legitimacy and a just cause, thus depriving them of the moral high ground and economic and other support. It is in this context that Malaysia has advocated and continues to advocate that emphasis must be given towards identifying and dealing effectively with the underlying causes of terrorism, though they may differ from country to country and from culture to culture.

6 To this end and without derogating from the importance and utility of the sectoral UN Counter-Terrorism Conventions, Malaysia is of the view that it is imperative that the question of the definition of terrorism be addressed in a serious and concerted manner. Until all countries can agree on the enemy they seek to defeat, there will always be loopholes and safe havens for those criminals who seek to escape justice and the rule of law. Malaysia supports the call for a high-level conference to be convened under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations.

7 Malaysia also stresses that the need to combat terrorism should not diminish the need to acknowledge and adhere to the principles of international law, including international humanitarian law and the right to self-determination recognized under international law, both that are codified by the United Nations and that which exists under customary international law.

8 Malaysia continues to play its small part in the global effort against terrorism, through its adherence to the international legal framework, the criminalization of the acts proscribed by the UN Counter-Terrorism Conventions and Protocols, and through the implementation of the various monitoring and compliance regimes intended to deprive terrorists of funds and access to arms and weapons of mass destruction. Malaysia has recently signed the International Convention for the Suppression of Acts of Nuclear Terrorism and will be taking the necessary legislative action for its full and effective implementation. It has also completed legislative action to comply with the Montreal Protocol for the Suppression of Unlawful Acts of Violence at Airports serving International Civil Aviation and will soon ratify that Protocol. Legislative action to enable Malaysia to comply with the remaining UN Counter-Terrorism Conventions and Protocols is continuing.

9. Malaysia remains committed to the finalization of the draft Comprehensive Convention on International Terrorism to complement the existing 13 sectoral United Nations Counter-Terrorism Conventions and Protocols. We note that the differences in relation to the Amendment to the Convention on the Physical Protection of Nuclear Materials have been amicably resolved and that the Amendments were adopted in July 2005. Negotiations on amendments to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf under the auspices of the International Maritime Organization are also nearing conclusion. Thus Malaysia is optimistic that the outstanding issues in relation to the CCIT too can be amicably resolved.

Mr. Chairman,

10 The increasing of transnational crimes, including terrorism, has also emphasized the need for international co-operation among law enforcement agencies, through both formal and informal channels. The value and effectiveness of the International Criminal Police Organization (INTERPOL) cannot be gainsaid. But due recognition should also be given to the effectiveness of the bilateral-level co-operation between law enforcement agencies. It is only through the timely gathering and exchange of information that terrorists and their co-conspirators and supporters can be detected, traced, kept under surveillance and ultimately be arrested and successfully prosecuted. It is also only through international cooperation, in particular mutual legal assistance in criminal

matters frameworks, that evidence located in foreign sovereign nations can be gathered and transmitted to countries that require that evidence to successfully prosecute the perpetrators of terrorist acts and their co-conspirators.

11 In furtherance of the aim to facilitate international cooperation in criminal matters, Malaysia initiated negotiations on a multilateral Treaty on Mutual Legal Assistance in Criminal Matters among like-minded countries in the ASEAN region in June 2003. This initiative achieved fruition on 29 November 2004 when 8 of the ASEAN like-minded countries concluded and signed the Treaty on Mutual Legal Assistance in Criminal Matters. The Republic of Singapore ratified the Treaty on 28 April 2005 while Malaysia ratified the Treaty on 1 June 2005. The Treaty is now in force as between the Republic of Singapore and Malaysia and both Parties eagerly await the completion of the ratification process by the remaining Signatory States. Myanmar and Thailand have recently expressed the wish to become a party to the Treaty and are undertaking the necessary steps to sign it. Malaysia, as the Depositary State and Secretariat for the Treaty, are undertaking steps to facilitate the signing of the Treaty by these two countries in the near future.

Mr. Chairman,

12. The Southeast Asia Regional Centre for Counter-Terrorism (SEARCCT) established in Kuala Lumpur on 1 July 2003 has contributed much to capacity building in the ASEAN region through the collaborative training programmes that have been run in co-operation with countries such as the United States of America, the European Union as well as individual European States, Australia, New Zealand and Russia. In addition, the Royal Malaysia Police training facilities continue to organize programmes to share the knowledge gained from its years of fighting the communist insurgency with interested countries. Further training programmes are being lined up to enhance the capability of regional law enforcement authorities in dealing with the various aspects of terrorism.

13. Malaysia also continues to engage countries through bilateral and multilateral arrangements to provide for co-operation and exchange of information in its efforts to combat terrorism, including through Memorandums of Understanding and Declarations of Cooperation. Foremost among these is the Agreement on Information Exchange and Establishment of Communication Procedures signed by Malaysia, Indonesia and the Philippines on 7 May 2002 and subsequently acceded to by Cambodia on 30 July 2002, Thailand on 5 November 2002 and Brunei Darussalam on 5 October 2003. This Agreement establishes the framework for timely and effective exchange of information between law enforcement agencies through a centralized communication *cum* liaison center in each country to facilitate the detection and prevention of specified crimes, including terrorism and trafficking in arms.

Mr. Chairman,

14 In conclusion, Malaysia reiterates its commitment to work with the other Members of the United Nations to effectively contain and rout the threat of terrorism. Malaysia believes that given the apparent reach of terrorist organizations and the threat they pose to the collective peace, security, stability and economic well being of all nations, only a cohesive and unified effort will enable the international community to succeed in this massive undertaking.

Thank you, Mr. Chairman.