



Permanent Mission of
Malaysia
to the United Nations

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Statement by H.E. Mr. Hamidon Ali
Permanent Representative of Malaysia to the United Nations
at the Informal Consultations of the Plenary
(on the Status, Size, Composition and Membership of
the Human Rights Council)
New York, Monday, 24 October 2005

Mr. Co-Chairman,

1. In compliance with the framework that you have outlined for our discussion at this session, I shall focus my intervention to highlight Malaysia's views regarding the status, size, composition and membership of the Council.

2. On the status, let me begin by saying that we share the view that has been expressed earlier that the Human Rights Council has been established by the General Assembly as reflected in paragraph 157 of the 2005 World Summit Outcome adopted by our leaders. Malaysia firmly believes that the Council should be a subsidiary body of the General Assembly. We are not convinced that the Council should function as a main Charter body. The proposal to elevate the status to a subsidiary organ of the General Assembly is a testimony of the importance of that we attach to the question of promotion of universal respect for human rights. This is also in recognition of the importance of human rights and the linkages with other issues under the General Assembly. We also do not see the merit of making the Council as a standing body. Like the CHR, the Council should convene sessional meetings and intersessional meetings as and when required.

Mr. Co-Chairman,

3. With regard to the size, Malaysia's preference is for a Council of comparable in size to the Commission on Human Rights, if not larger so as to better reflect the representative character of the Council in relation to the total membership of the UN. Membership of the reformed body should adhere strictly to the principle of equitable geographical representation.

Mr. Co-Chairman,

4. Malaysia disagrees with the notion that the membership or the composition of the Commission is a contributive factor to the problem of its "declining credibility and professionalism". A reduced membership of an intergovernmental body dealing with human rights issues will increase the tendency for greater politicization, application of double standard and selectivity. Furthermore, a smaller membership would be contrary to the call for expansion in the membership and democratization of other UN organs and bodies, in light of the increase in the UN membership.

5. On the election of members to the Council, it is Malaysia's preference for members to be elected by simple majority of members present and voting in the General Assembly, in keeping with the rules of procedures of any subsidiary organs of the GA. We have seen how cumbersome and time-consuming elections to be determined by two-third majority of a much smaller body of the UN. Guided by these experiences that were also taxing on UN resources, we should by all means avoid imposing such election procedure on a bigger membership body like the Human Rights Council. With regard to the criteria for the membership, it should be left to the geographical regions to determine first the selection of candidate countries.

6. Malaysia remains open to the proposal for Member States willing to serve on a reformed human rights body to make voluntary pledges and declare their commitment to abide by the highest standards of human rights. However, Malaysia would not be in favour to any proposal of imposing criteria for membership into the Council. We believe that Member States have the right to choose and decide who they want to be in the Council through a fair election process.

7. Finally, Mr. Co-Chairman, I wish to underline that we maintain strong preference for the discussion on the Human Rights Council including all its relevant details to be held under the ambit of the General Assembly as being conducted now, in an open-ended, transparent and inclusive manner in accordance with paragraph 160 of the Summit Outcome document.

Thank you.