STATEMENT BY
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PERMANENT REPRESENTATIVE OF MALAYSIA TO THE UNITED NATIONS
DURING GENERAL EXCHANGE OF VIEWS: HIGH-LEVEL SEGMENT
OF THE UNITED NATIONS CONFERENCE TO NEGOTIATE A LEGALLY BINDING
INSTRUMENT TO PROHIBIT NUCLEAR WEAPONS,
LEADING TOWARDS THEIR TOTAL ELIMINATION

NEW YORK, 28 MARCH 2017

Madam President,

At the outset, allow me to congratulate you on your appointment as the President of the United Nations Conference to Negotiate a Legally Binding Instrument to Prohibit Nuclear Weapons, Leading Towards Their Total Elimination. My delegation attaches great importance to this Conference and concurs with your aspirations in conducting the meeting in a more open, transparent and inclusive manner.

2. We also wish to extend our congratulations to the delegations of Austria and the Islamic Republic of Iran on their appointment to the Bureau. Malaysia aligns itself with the statement delivered yesterday by the Philippines on behalf of the Association of Southeast Asian Nations (ASEAN).

Madam President,

3. My delegation had co-sponsored, alongside 56 other Member States, and voted in favour, alongside 112 Member States, which led to the adoption of Resolution 71/258 by the General Assembly on 23 December 2016. We firmly believe that our work here would have a political as well as a legal impact on the disarmament debate, and ignite the necessary impetus to develop the provisions and elements for an instrument aimed
at prohibiting nuclear weapons and subsequently, the attainment and maintenance of a nuclear-weapon free world.

4. My delegation recalls Resolution 1(I) entitled “Establishment of a Commission to deal with the problem raised by the discovery of atomic energy”, the first resolution adopted by the General Assembly on 24 January 1946, which stipulates “[the need] for the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction.” Malaysia has consistently pursued the universal objective of general and complete nuclear disarmament under strict and effective international control as enshrined, unambiguously, under the Treaty of the Non-Proliferation of Nuclear Weapons (NPT).

5. Over the years, my delegation has undertaken several significant initiatives in this regard. You will recall, Madam President, that both our delegations had jointly submitted the Model Nuclear Weapons Convention on 17 December 2007 as a document of the 62nd Session of the General Assembly. This model convention seeks to prohibit the development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons and on their elimination. My delegation should elucidate that the draft legally binding instrument that this conference is mandated to produce aims to prohibit nuclear weapons, which is one of the aspects of the said comprehensive model convention that we are advocating. Naturally, the latter text remains my delegation’s ultimate preference.

6. This notwithstanding, we join other Member States today in carrying out our duty as a member of the United Nations in fulfilling the General Assembly mandate, as contained in Resolution 71/258, to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination. My delegation upholds the view that the General Assembly, as the chief deliberative, policymaking and representative organ of the United Nations, deserves our paramount respect and recognition. Most importantly, its universal mandate should be fulfilled by all members of the Organisation, without exception.
7. Malaysia wishes to also recall that we marked the 20\textsuperscript{th} anniversary of the Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons in 2016. The Advisory Opinion, among others, unanimously concluded “that there exists an obligation to pursue in good faith and bring to conclusion negotiations leading to nuclear disarmament in all its aspect under strict and effective international control.” The humanitarian context of this legal opinion gives weight to the moral argument in calling for the total elimination of nuclear weapons.

Madam President,

8. In maintaining a focused and straight-to-the-point discussion concerning the issue at hand, my delegation would like to offer a few suggestions, as follows:

(i) Malaysia is of the view that our current undertaking to produce a legally binding instrument prohibiting nuclear weapons, leading towards their total elimination is consistent with the thrust and spirit of Article 6 of the NPT. Hence, it is our hope that the instrument we seek to produce, through inter-governmental negotiations in good faith, will complement and strengthen the NPT, and ultimately result in a treaty on general and complete disarmament under strict and effective international control. This would signify the achievement of the collective resolve of the international community to find a multilateral solution to a long-standing global challenge. The legally-binding instrument we seek to produce should not stigmatise any State or group of States, but strictly focus on nuclear weapons. As such, any instrument agreed to should be legally-sound and inclusive, by providing sufficient flexibility for other States to become Party in the future, including the NPT-designated Nuclear-Weapon States (NWS) and those with long-standing defense arrangements with NWS.

(ii) Certain issues that could trigger deep political divisions and complex technical debates—such as elimination and verification should preferably be addressed in the preamble of the instrument, and
(iii) Reference to the Humanitarian aspect or impact of nuclear weapons, and effects of such weapons, as well as how this process has led us to where we are now would merit a reflection in the instrument.

Madam President,

9. On a related note, my delegation wishes to acknowledge the presence and important contributions of civil society representatives to our work. We are certain that, as in the past, they will once again continue to offer their ideas on the various aspects relating to the instrument, including their role in assisting States in ensuring the effective implementation of the instrument and in its universalisation.

10. The work ahead is indeed challenging. We must be realistic and pragmatic vis-à-vis the limitations we face and, concurrently, the opportunities we have before us, with a view to concluding our negotiations during the Second Session of the Conference in July 2017. We urge all Member States to engage as game-changers in this process and to show flexibility during negotiations, bearing in mind that a successful session will depend on our collective resolve and creativity to examine and include elements of convergence.

11. Malaysia commits our full support and cooperation to you, Madam President, and members of your Bureau as well as to all Member States in this process. We look forward to working closely with you and all delegations towards an effective legally binding instrument on the prohibition of nuclear weapons, leading towards their total elimination.

Thank you.