



MALAYSIA

PERMANENT MISSION TO THE UNITED NATIONS

**STATEMENT BY H.E. MR. SYED MOHAMAD HASRIN AIDID
PERMANENT REPRESENTATIVE OF MALAYSIA
TO THE UNITED NATIONS
ON AGENDA ITEM 80: DIPLOMATIC PROTECTION
SIXTH COMMITTEE, GENERAL ASSEMBLY
NEW YORK, 14 OCTOBER 2019**

Mr. Chair,

1. Malaysia notes that the General Assembly resolution 71/142, among others, invites Member States to submit in writing any further comments on the articles on diplomatic protection. We also note that several factors will continue to be examined, such as question of a convention on diplomatic protection, or any other appropriate action, on the basis of the articles and to also identify any difference of opinion on the articles.
2. Having perused the draft articles on diplomatic protection and the General Assembly resolutions 62/67, 65/27, 68/113 and 71/142, we observe that there are no novel issues to be considered at this juncture on this agenda item. In this regard, Malaysia wishes to reiterate its position on the scope and application of the draft articles on diplomatic protection as highlighted at previous sessions.

Mr. Chair,

3. Malaysia is committed in ensuring its nationals abroad are fairly treated. We also uphold our inherent entitlement to guard our nationals from injuries suffered from internationally wrongful acts of other States. Nevertheless, we believe that the exercise of diplomatic protection shall remain within the sovereign prerogative and integral discretion of a State.

4. Furthermore, we wish to reiterate our views that Article 19 is premature even from the point of view of progressive development of international law. Malaysia therefore aligns herself with the prevailing position under international law, as reflected in Articles 2 and 3, that a State is not obliged to exercise diplomatic protection on behalf of a national who has been injured by an internationally wrongful act.
5. This view stems from the understanding that the drafting of the articles on diplomatic protection originally belonged to the study of the responsibility of States for internationally wrongful acts. Hence, Malaysia views that further deliberation on the current agenda item would be best embarked upon the conclusion of the agenda item on the responsibility of States for internationally wrongful acts.

Thank you.