



MALAYSIA

Permanent Mission to the United Nations, New York

[Check against delivery]

**STATEMENT BY
MR. AZRIL ABD AZIZ
DEPUTY PERMANENT REPRESENTATIVE OF MALAYSIA
TO THE UNITED NATIONS**

ON AGENDA ITEM 82: EXPULSION OF ALIENS

**AT THE SIXTH COMMITTEE OF
THE 75TH SESSION OF THE GENERAL ASSEMBLY**

NEW YORK, 10 NOVEMBER 2020

Mr. Chair,

My delegation recalls that this topic has been included in the agenda of the current session pursuant to General Assembly resolution 72/117, and that the International Law Commission adopted the draft articles in 2014.

2. Malaysia reiterates its profound gratitude to Special Rapporteur Maurice Kamto and the Drafting Committee for their untiring efforts in formulating, reformulating and later finalising the draft articles based on the comments and observations of Governments, including Malaysia.

Mr. Chair,

3. The expulsion of aliens is a topic which, by its very nature, has been addressed by States in their respective national legislation, judicial or administrative decisions. Malaysia notes that the draft articles and its commentaries are a product of a lengthy deliberative process and a representation of the broadest possible consensus amongst States.

4. Nonetheless, as a small country that is considered by many migrants, asylum seekers and refugees as one of their destination countries, Malaysia remains unconvinced that the draft articles could ensure full respect for its sovereignty, territorial integrity as well national security.

Mr. Chair,

5. Malaysia notes that the draft articles contain replication of some existing principles which have already been provided in other international treaties, such as the rules relating to the expulsion of stateless persons articulated in article 7 (*Rules relating to the expulsion of stateless persons*), to those already codified in the 1954 Convention relating to the Status of Stateless Persons.

6. Some elements in the draft articles have also expanded the scope of the principles codified in other international treaties, such as the principle of *non-refoulement* articulated in article 23 (*Obligation not to expel an alien to a State where his or her life would be threatened*), to that in the 1951 Convention relating to the Status of Refugees, as well as the prohibition of collective expulsion articulated in article 9 (*Prohibition of collective expulsion*), to that in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

7. Malaysia further notes that it took the Commission a decade to adopt the draft articles as there were divergences of opinion on many aspects as well as a significant number of existing, well-established State practices pertaining many of the issues covered by the draft articles.

8. Thus, Malaysia is of the view that States should continue to exercise their respective considerable discretion and take reasonable measures with regard to the expulsion of aliens in accordance with the relevant domestic laws, particularly in the current context of global migration as well as the continuous widespread of the COVID-19 pandemic.

9. In view of the above, Malaysia does not support the elaboration of a convention on the basis of the draft articles and would suggest that the General Assembly merely take note of the draft articles. Thank you.