



# MALAYSIA

*Permanent Mission to the United Nations, New York*

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**STATEMENT BY  
MS. SHAHRINA NOOR AZMAN  
ATTORNEY GENERAL'S CHAMBERS OF MALAYSIA**

**ON AGENDA ITEM 79:  
DIPLOMATIC PROTECTION**

**AT THE SIXTH COMMITTEE OF  
THE 77TH SESSION OF THE GENERAL ASSEMBLY**

**NEW YORK, 3 NOVEMBER 2022**

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Mr. Chair,

Malaysia notes that through resolution 74/188, the Assembly decided, among others, to commend once again the articles on diplomatic protection to the attention of Governments at this seventy-seventh session. My delegation also notes that we are here to continue our examination of the question of a convention on diplomatic protection, or any other appropriate action, on the basis of the articles, as well as the difference in opinions held by States on the articles.

2. It is my delegation's considered view that there are no novel issues before us at this juncture on this agenda item. On the scope and application of the draft articles on diplomatic protection, Malaysia reiterates its position that diplomatic protection shall remain within the sovereign prerogative and integral discretion of a State. Malaysia continues to align itself with the prevailing position under international law, as reflected in Articles 2 and 3 on Diplomatic Protection, that there is no obligatory duty for a State to exercise diplomatic protection on behalf of its national who has been injured by an internationally wrongful act.

3. For Malaysia, the draft articles on diplomatic protection is essential in ensuring nationals abroad would be fairly treated, and in permitting States to intervene on behalf of their nationals who have been subjected to violations of human rights. However, as diplomatic protection is closely connected to the agenda item on the responsibility of States for internationally wrongful acts, Malaysia maintains its view that the deliberation on this agenda item should not be continued until the latter is concluded.

Thank you.