

# MALAYSIA AND THE UNITED NATIONS



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# FOREWORD

Assalamualaikum warahmatullahi wabaraktuh

I am pleased to present the 'Malaysia and the United Nations' book, a short collection of stories and anecdotes by some of the country's top diplomats who had the opportunity to serve the country at the United Nations' headquarters in New York. This book showcases the experience they had encountered and it also describes their frustration, despair, challenges, and many other professional and emotional roller-coaster rides that has coloured their lives and forever etched in our nation's history.

Among the contributors to this book are Tan Sri Hasmy Agam, Tan Sri Rastam Mohd Isa, Tan Sri Hamidon Ali, Datuk Dr. Rajmah Hussain and Dato' Sri Dr. Sharifah Zarah Syed Ahmad. These prominent former diplomats had served the country with distinction and brought forth Malaysia's stand and interests to the international arena. During their tenure as Malaysia's Representatives at the United Nations, they experienced first hand the exhilaration and tribulation associated with high level negotiations with many parties and vested interests. Reading this book would make one wonder as to how they coped with these difficult challenges on almost a daily basis and survived to tell us their stories. Their anecdotes provide us with glimpses of the inner workings, the discussions and the high profile negotiations at the United Nations' highest office which otherwise would have become mere footnotes of history.

To all contributors, I wish to convey IDFR's deepest appreciation for their willingness to share their stories with others and hopefully other diplomats would be encouraged to do likewise.

Thank you.

DATO' HUSSIN NAYAN

Director General

Institute of Diplomacy and Foreign Relations

# PRESIDING OVER THE UNITED NATIONS SECURITY COUNCIL: PERSONAL EXPERIENCE AND RECOLLECTIONS

By Tan Sri Hasmy Agam

Malaysia had served on the United Nations Security Council (UNSC) three times in the past and had presided over it for a total of five times — in May 1965 with the late Ambassador Radhakrishnan Ramani in the chair, in January 1989 and July 1990 under Ambassador Tan Sri Razali Ismail, and in July 1999 and August 2000 with the writer holding the presidential gavel.

I had the honour of serving on the Council twice, the first time in 1989-1990 together with Tan Sri Razali; the second time was ten years later when Malaysia was elected once again as a member of the UNSC for the period 1999-2000. Each member state of the Council has an opportunity to be Council President once or twice during its two-year term lasting an entire month each time. Presiding over the Security Council, arguably the most prestigious and powerful organ of the United Nations (UN), was for me a very daunting experience; but I think Tan Sri Razali's first presidency was the most challenging as he occupied the hot seat on the very first day of our taking our seat on the Council on 1st January 1989. It was really "hitting the ground running", as a Council delegate remarked, as there was not much time for any substantive preparation. To add to the challenge, none of the members of the Malaysian team, including Razali, had any previous experience of serving on the Council, as our diplomats who had served on the Council 24 years earlier with Ramani had long retired or passed on. Despite this, Razali handled the presidency extremely well and with confidence and aplomb, thanks to the advice he had solicited from

the ambassadors and staff members of other countries that had served or were still serving on the Council, and also to his leadership skills and personal charisma.

In spite of my earlier experience, I assumed the post of the Presidency of the Council on 1st July 1999 with some nervousness, even trepidations. I was conscious of the high responsibility that came with the position and the impact of the Council's decisions on international peace and security. A constant worry was the uncertainty of what explosive issues might suddenly come up before the Council which the Malaysian presidency would have to deal with immediately without the advantage of advance preparations. It would be like piloting a plane in stormy weather without good navigational aids or charts. Fortunately, there was great comradeship and congeniality among Council Members at all levels, and every Council Member was ready to be of assistance to the Presidency and his team. The atmosphere might have been different during the period of the Cold War when the relationships among the leading Council Members were more adversarial than cooperative.



Tan Sri Hasmy Agam presenting his credentials to UN Secretary General Kofi Annan on 27 April 1998



We prepared ourselves as well as we could to ensure a smooth presidency by bonding on the issues that were being dealt with by the Council and understanding its Rules of Procedure, in the hope that we would not have to deal with crisis situations, although not discounting them.

The first day of the presidency began with bilateral consultations with Council members in the office of the President. These bilateral meetings are an important exercise for the purpose of securing an early consensus on the proposed programme of work for the month, with members flagging the areas of particular concern to them that should be addressed by the Council. They are also invaluable to the presidency in assessing the positions of members and to gauge whether there would be difficulties ahead. The informality of the consultations allow for greater inter-personal relationship and camaraderie to the extent not always possible when Council meetings begin in earnest, when representatives make serious statements reflecting their national positions.

The next day I held my first "Informal Consultations of the Whole" in the Council Consultations Room, the main workplace of the Council, with the full membership of the Council, involving the heads of delegations and several of their team members. This session went off smoothly with the quick adoption of the month's programme of work. I was relieved and expressed my pleasant surprise at the speed with which we disposed off the programme of work, to which the acting Permanent Representative of the United States quipped that he could raise objections on some of the issues which would slow down the proceeding, if I wished! Such light-hearted humour is always useful in easing tension in the Council. Then followed an in-depth briefing by the UN Secretary-General and an even longer discussion on the situation in Kosovo, with the Russian Ambassador raising questions in the manner the Kosovo Force (KFOR), the international peacekeeping force in Kosovo, was enforcing the peace on the ground and the tardiness of the UN in enforcing its authority. These questions were not unexpected given the stand-off between NATO and the Russian Federation over the issue of the participation of international



troops in the NATO-led peacekeeping operation in Kosovo.

Immediately after adjourning that first Council meeting I went, as required, to face the press corps to brief them on what transpired in the Consultations, along lines agreed to by Council members. Typical of the media, they peppered me with a barrage of probing questions, both about the details of Council discussion on the agenda for the month, as well as the positions of Council members, and related matters. I decided to play safe and stuck to basics, without venturing into the more interesting but tricky issues they had raised, which might land me into trouble. Then I went over to brief the waiting representatives of member states of the UN. Being professional diplomats, they were polite, had few questions and just took down what the President of the Council had briefed them on. In the afternoon I met with the chairmen of the regional groups, later the ambassadors of several countries over issues that were coming up for discussion in the Council. As expected, they used the occasion to put across their national positions on these issues.

Subsequent informal consultation meetings followed more or less the same pattern and became easier by the day to the extent that I did not really have to stick closely to the notes prepared by my officers, some of which I fine-tuned to suit my own style and perspectives on the issues. I was fortunate to have a very solid team of experts who spent a lot of time to prepare for each meeting of the Council — which was vitally important so that the president could follow every aspect of the problem. As Council President I took the position that I was expected to know as much as, if not more than the other members of the council. In fact I should be in a position, wherever possible, to offer solutions that could garner consensus in the Council. I was particularly conscious of the vital importance of the president having a cool and clear head and a good blend of the qualities of patience and decisiveness so as to be able to steer the Council to take sound and expeditious decisions.

It was indeed a hectic schedule for the Malaysian presidency during that

long month of July 1999 during which we presided over 33 informal and eight formal meetings, mostly dealing with several conflict situations in Africa, Asia, namely Iraq and East Timor, and Kosovo in the Balkans. The Council also gave its approval for the admission of Tonga as a new member of the UN, which was required for its formal admission by the UN General Assembly in September that year.

The formal meetings of the Council that we presided during the month were largely formalities for the purpose of enabling members of the Council, as well as other member states of the UN, to make formal statements of their government's positions on the issues that were debated in the Council before taking action on draft resolutions through a vote. For one of these formal meetings we organised a one-day session that was presided by our then new Minister of Foreign Affairs, Datuk Seri Syed Hamid Albar, on the subject of the "Maintenance of Peace, Security and Post-conflict Peace Building: Disarmament, Demobilisation and Reintegration of Ex-combatants in a peace keeping environment". This was a new initiative that we introduced as President, working closely with the UN Department for Peace-keeping Operations, with which our Defence Advisor had very close relations and rapport. While it did not lead to the adoption of a UNSC Resolution, we were able to obtain Council agreement on the text of a Presidential Statement which was read out by the President in the Council chamber without taking a vote. This was due to the fact that it was a very new concept which had not been fully developed at that stage to allow for the adoption of a formal Council Resolution. This new dimension of peace-keeping operations was further developed in subsequent meetings of the Council and is now an integral part of current UN peacekeeping operations.

Clearly, the informal consultations of the council were more interesting and lively where in between the civility of exchanges there were also the occasional passionate exchanges on issues that were closer to national interests and therefore more sensitive or emotive to the members. There were several occasions when, either on Malaysia's behalf as a council

member or as Coordinator of the NAM members of the Council, I made some strong statements on the situation in the Occupied Territories in Palestine that were critical of Israel, or on the debilitating sanctions on Iraq that obviously did not go down well with one or two Permanent Members that prompted equally strong reactions from them.

Being a member of the UN Security Council was, without doubt, a rewarding experience, and serving as its president, while initially somewhat unnerving was most exhilarating and fulfilling. I could proudly say that on all the occasions that Malaysia had served on the Council we had done well. In my view, shared by many observers, our signal achievement as a Council member during this and previous occasions was our ability to act independently, and to withstand pressures from powerful members. I could not recall any direct pressure *per se* but there were efforts being made to try to convince us of a certain line of argument or course of action, but there



Security Council President Tan Sri Hasmy Agam presides over a meeting in which the Council was briefed on the situation in Kosovo, by Assistant Secretary-General for Peacekeeping Operations,



were no direct threats or pressures as such. Some other members were not so fortunate. In at least two instances, Council colleagues confided with me that their governments came under subtle political or economic pressures in respect of certain issues before the Council.

Not surprisingly, by virtue of their permanency, the five Permanent Members, or the "Perm Five" as they are often called, asserted themselves in every possible way in the conduct of the work of the Council. Some of them were more assertive than others, although China chose to be rather low-key in approach, perhaps reflecting typical East Asian civility — except when its vital national interests were affected, such as when its embassy in Belgrade was "accidentally" bombed by the US Airforce in May 1999. Perhaps, for the first time, the Chinese Ambassador went ballistic and walked out of the Council consultations room when he failed to obtain full support for a strongly-worded Council draft resolution over the incident.

On the whole, the United Kingdom (UK) delegation tended to be the custodian of the Rules of Procedure of the Council and was quick to remind Council members on such issues. It was largely for this reason that the United Kingdom delegation's legal advisor was almost always present in meetings of the Council.

The Russian delegation was among the most active, sometimes more than that of the United States. This could be attributed, to a large extent, to its Representative on the Council, Ambassador Sergei Lavrov (now Foreign Minister) universally recognised as the most formidable debater in the Council, one who loved a verbal fight, and almost always had the last say on almost any issue that he chose to speak on, in between his constant doodling. Clearly, Russia was not content to play second fiddle, even if, to all intents and purposes, it had lost its super-power status.

The French delegation was another active member of the Perm Five, headed by Ambassador Alain Dejammet, known for his extensive views

on many Council issues and his long working hours. On most evenings he would go back to his office to complete his day's work after attending the obligatory receptions and dinners. On one occasion, after hosting a dinner, he came down, ostensibly to accompany his dinner guests, but then jumped into his waiting car and headed back to his office. I remarked to him about his industriousness, to which he remarked that he had to work hard to make up for his lack of brilliance. I was not quite sure if he was just being modest or trying to be funny.

The American delegation did not have a head for a long time after the departure of Ambassador Bill Richardson and before the arrival of Ambassador Richard Holbrooke (who became a good friend and was one of the most persuasive diplomats ever sent by Washington, who has sadly passed away after a very distinguished career). The Acting Head, distinguishable by his bow tie, was a very amiable fellow which helped softened the otherwise super-power image and positions that it assumed in the work of the Council. The US delegation had the advantage of having the resources of a huge diplomatic Mission, located just across the avenue from the UN building, and additional experts despatched from Washington DC whenever required. The disadvantage might be that being so close to HQ the US Mission to the UN, including its delegation to the Security Council, was very much guided, perhaps even micro-managed, by Washington.

Another "member" of the Council — an ex-officio member by virtue of his position — is the UN Secretary-General. He has a unique role in the Council in that as Council members come and go, the Secretary-General provides continuity and therefore serves as a reference point on the issues dealt with by the Council. As the Chief Operating Officer of the UN Secretariat, he attends Council meetings in his own right, gives his views and comments whenever he is inclined to do so, or in response to the requests of members of the Council, but does not participate in the actual decision-making process. His involvement in the work of the Council entirely depends on his own inclination and his interpretation



of his own role vis-a-vis a particular issue before the Council. True to form Secretary-General Kofi Annan prudently stayed on the sidelines and patiently waited for the Council to arrive at its own decisions. Despite quiet encouragement by some Council Members for him to be pro-active and to play an interposing role, particularly on the issue of Iraq on which there was a serious impasse in the Council, he maintained his cautious approach.

Clearly, the effectiveness of membership of the UNSC would depend on a number of factors. One of the most important would be the composition of the delegation to serve on the Council. Beginning with the head of the team, right down to the most junior member, every one of them must have exemplary personal qualities of dedication, diligence, capacity for hard work and total and undivided commitment to the task at hand, stamina and perseverance and resourcefulness, among others. The demands from each team member are very high. It is not for nothing that spouses - usually wives - of Council delegates are often called "Council widows." As for professional attributes, besides having deep knowledge and expertise about the plethora of issues that are on the agenda of the Council, team members should be skillful in negotiation, drafting of resolutions and reports. An equally important requirement that has often been overlooked by many non-permanent members of the Council, is the usefulness of having at least one member of the team with solid legal background, which would serve the team well, particularly in the drafting of Council resolutions, as often demonstrated by the British delegation, which with its command of the English language often takes the lead in the drafting of Council resolutions. Of added value, especially for the Ambassador, is skill in public diplomacy which will come handy in dealing with the waiting and ever probing UN press corps at the end of each Council meeting.

It is indeed a pity that as a non-permanent member of the Security Council becomes more and more at ease and confident to take initiatives in its second year of membership it has to leave upon completing its two year term. As we took leave of our Council membership, some of us wondered

as to whether the two-year term was deliberately designed to limit the contribution of the non-permanent members to the work of the Council and to entrench the authority and supremacy of the Perm Five in a system that is after all not democratic on account of the all-powerful veto.

## Writer's Profile

Tan Sri Hasmy Agam was born in 1948. He graduated with a Bachelor of Arts (Hons) degree in English from University of Malaya, Kuala Lumpur in 1968. He also holds a Masters of Arts degree in International Relations from Tufts University, Massachusetts, United States. Upon his graduation from University of Malaya, Tan Sri Hasmy joined the Ministry of Foreign Affairs, Malaysia at the age of 22.

Tan Sri Hasmy spent close to 40 years as a career diplomat in the service of the Government of Malaysia. He began his career in the Malaysian Administrative and Diplomatic Service (PTD) as an officer attached to the Ministry of Foreign Affairs. He served in various capacities at the ministry and Malaysian diplomatic missions abroad, including as a young diplomatic officer who was posted to Saigon (present day Ho Chi Minh City) during the Vietnam War, as Ambassador of Malaysia to Libya, Washington DC, London, Paris and New York where Tan Sri Hasmy served twice for a total of nine years. In 1998, Tan Sri Hasmy served as Malaysia's Permanent Representative to the United Nations in New York, including being appointed as the UN Security Council President twice.

Apart from that, Tan Sri Hasmy was appointed Ambassador-at-Large for the Non-Aligned Movement (NAM) in 2003 during Malaysia's chairmanship of the movement. Upon his retirement, Tan Sri Hasmy was appointed as the Executive Chairman of the Institute of Diplomacy and Foreign Relations (IDFR) in Kuala Lumpur. Due to his distinguished career, Tan Sri Hasmy was appointed the Chairman of the Human Rights Commission of Malaysia (SUHAKAM) in 2010 until present.

# SERVING THE CAUSE OF PEACE: MALAYSIA AT THE UNITED NATIONS SECURITY COUNCIL

By Tan Sri Rastam Mohd Isa

The United Nations Security Council (UNSC) is one of the principal organs of the United Nations (UN). It is arguably the most powerful body in the international system and has assumed a more active and prominent role than the other organs, including the United Nations General Assembly (UNGA). The scope of work of the UNSC has widened particularly since the early 1990s. The prestige associated with membership and the wider array of issues debated in the Council have served to attract more UN member states to bid for the available non-permanent seats. Malaysia has been a member of the UNSC three times before; in 1965, 1989-1990 and 1999-2000. Malaysia is bidding to serve for a fourth term in 2015-2016.

Accounts are quite scarce in the public domain about Malaysia's involvement in the UNSC and past performance as a member of the body.<sup>1</sup> What the writer attempts to do in this article is to briefly examine Malaysia's past terms in the UNSC and discuss further prospects through his own personal involvement and experience, observation and recollection of events, reference to private notes and papers as well as a scan of public

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<sup>1</sup> For a glimpse of Malaysia's early involvement in the UNSC, see Dr. Rajmah Hussain, "Malaysia at the United Nations: A Study of Foreign Policy Priorities, 1957-1987", (Ministry of Foreign Affairs, Malaysia, 2009) and Chandran Jeshurun, "Malaysia's Fifty Years of Diplomacy 1957-2007", (The Other Press Sdn Bhd, Petaling Jaya, 2007).



documents and reliance on other sources, including the internet.<sup>2</sup> This brief treatment, hopefully, may help in creating interest in and understand of an important component of Malaysia's foreign policy and diplomatic history. A fuller account needs to be written someday.

The Federation of Malaya became a member of the United Nations (UN) upon the endorsement of the 12<sup>th</sup> UNGA on 17 September 1957.<sup>3</sup> Six years later, on 17 September 1963, Malaysia took its seat in the world body amidst the diplomatic standoff with Indonesia and The Philippines over the formation of the new federation. Malaysia also immediately featured on the UNSC's agenda because of Indonesia armed incursions into Malaysia territory as part of Sukarno's policy of '*Konfrontasi*'.<sup>4</sup>

### Malaysia in the Security Council: 1965

When Malaysia was elected to the UNSC for the first time, the Council's membership was limited to five permanent and six non-permanent.<sup>5</sup> The non-permanent membership rotated on the basis of representation from five groupings largely reflecting the world's political landscape of the time: Latin America, the Commonwealth, Eastern Europe and Asia, Middle East and Western Europe. Malaysia got to sit in the Council for only one year in 1965 following a gentleman's agreement with Czechoslovakia when both countries could not get the required two-thirds majority during the election in late 1963. Czechoslovakia held the seat for the first half of the

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<sup>2</sup> The writer was first posted to New York as a Counsellor at the Malaysian Permanent Mission to the United Nations in May 1988 and went on to serve there on three different occasions, including as Permanent Representative (PR) in 2003-2005. He is one of the very few Malaysian diplomats who had the privilege of being accredited twice to the UN Security Council.

<sup>3</sup> Malaya was represented by Dato' Dr. Ismail Abdul Rahman: See "*Malaya's First Year at the United Nations, As Reflected in Dr. Ismail's Reports Home to Tunku Abdul Rahman*, compiled by Tawfik Ismail and Ooi Kee Beng, (Institute of Southeast Asian Studies, Singapore, 2009)."

<sup>4</sup> See Rajmah Hussain, "*Malaysia at the United Nations*", Chapter 4.

<sup>5</sup> The Republic of China (Taiwan) was still a permanent member until its ouster following the admission of the People's Republic of China to the UN in 1971.



term in 1964.<sup>6</sup> The Soviet Union (USSR) was not happy at losing a close ally in the UNSC and mildly objected to the gentleman's agreement when Malaysia took its seat.<sup>7</sup>

The UNSC was expanded to 15 members in 1966, with the non-permanent members being grouped under Africa, Asia, Latin America and the Caribbean, Eastern Europe and Western Europe and Others. One seat for the Arab states would swing alternately between Africa and Asia. In 1971 the People's Republic of China took its seat at the UN and became one of the five permanent members, the exclusive group with veto power, now popularly known as the P5. This arrangement remains in place today. Since the mid-1990s, efforts have been made to further expand the Council according to different formula. The debate is still going on.

Malaysia's election to the UNSC resulted in the first and only case in UN history of a member state withdrawing from the organisation. The Indonesia Foreign Minister, Dr. Subandrio sent a letter to U Thant, UN Secretary General (UNSG) in January 1965 confirming a statement made earlier by President Sukarno that Indonesia would withdraw from the UN if Malaysia sat in the UNSC. Confronted with this situation and in the absence of a specific provision in the UN Charter on withdrawal of membership, U Thant very delicately and elegantly handled the matter by simply noting the Indonesian decision and hoping that Indonesia would in due time "resume full cooperation" with the UN. Indonesia returned to the UN when '*Konfrontasi*' ended and relations with Malaysia were normalised in 1966.<sup>8</sup>

The Malaysian delegation in the UNSC was led by Radhakrishnan Ramani, a 64-year old Indian born lawyer and member of the English Bar, who was

<sup>6</sup> Rajmah Hussain, *ibid*, pages 85-88.

<sup>7</sup> See "The Blade", Toledo, Ohio, 16 March 1965, which reported that the Soviet PR, Nikolai Federenko had remarked in the first UNSC meeting for the year that Malaysia had illegally occupied a seat which should rightly belong to an Eastern European member.

<sup>8</sup> See Rajmah Hussain, *ibid*, pages 86-88 and, among others, *Encyclopaedia of Nations, (Withdrawal from Membership)*, [www.nationsencyclopedia.com](http://www.nationsencyclopedia.com).