



Statement By

Delegation of the Republic of Indonesia to the United Nations

at the

at the Sixth Committee of the General Assembly

on

Agenda item 84:

“The Rule of Law at the National and International Levels”

New York, 5 October 2016

Mr. Chairman,

Thank you for giving me the floor.

Before I proceed, permit me to align my remarks with the statements made previously by the delegation of Cambodia on behalf of the Association of Southeast Asian Nations; and the delegation of Islamic Republic of Iran on behalf of the Non-Aligned Movement.

My delegation would also like to take a moment to express its appreciation to the Secretary-General for his annual report.

Mr. Chairman,

Without a doubt, the rule of law is one of the most important items on the agenda of the United Nations. It lies at the heart of the foundation and justification of the United Nations, and it outlines and substantiates rule-based international relations. Without international law, there are no international relations.

It is to this end that we all recognize the pre-eminent role of the UN in maintaining international peace and security through upholding the rule of law.

Over the years, the United Nations has played this role well, as it has been successful not only in mediating in various conflicts, but also in ending a variety of conflicts and wars.

Nonetheless, in the past 70 years, there have been a number of issues and conflicts that showcase the limits and shortcomings of the United Nations as an organization.

One of the issues is the long-standing and unresolved Palestine issue.

For us in Indonesia, there can be no doubt that international law must be held in the highest esteem and respect. But this is not a standard that has been held at the highest level by the United Nations when it comes to Palestine, which, throughout the ages, has seen continued violation of international humanitarian and human rights law, as well as of Security Council resolutions.

In our view, a system that fails to respect the core human rights established under international law hardly deserves to be called a rule of law system, and that is what has happened in the case of Palestine.

Another important element of rule of law is accountability, that is: access to justice by those in need – be it individuals or states - to have their dispute resolved and fundamental rights fulfilled. Atrocities' victims deserve justice, impunity must be addressed and the UN should do more to deliver and send message that no one is beyond the reach of law.

Mr. Chairman,

It is the conviction of Indonesia the robust, just, impartial implementation of Security Council resolutions will generate trust and confidence that will have the impact of strengthening international law. Not less important, by implementing, in good faith, their treaty obligations, particularly in the field of humanitarian, human rights or refugee law, states will make tremendous contribution to ongoing conflicts and rule of law at the international level.

And while it may sound like a cliché, the rule of law at the international level will always be a fiction if we cannot minimize the politicization of international law within the UN system.

To that end, my delegation warmly welcomes the various reports made by the SG in the fulfilment of his mandate, but the success of implementation of the rule of law is a reality only if the principal organs and specialized bodies of the UN

Check against delivery

operate under the highest standards of justice and fairness. The outstanding issues of the reform of the Security Council and the revitalization of the General Assembly are an important component of this.

Mr. Chairman,

Let me now focus more closely on the present theme, "Ways and means to further disseminate international law to strengthen the rule of law".

At the national level, domesticating international law does not mean much unless there is improved "knowledge of international law" on the part of the people, including government officials, practitioners, academicians and students. This is a long process which demands the political will of the governments.

As for Indonesia, the doorway to further dissemination of international law is through the transfer of its principles and provisions into domestic legislations, thereby enabling the practitioners, judges and all relevant stakeholders to utilize it in domestic legal proceedings.

In this regard, I am proud to say that since 2007 in Indonesia, National legislation on Law and Regulation-Making provides the obligation of government to disseminate information on legislation, regulations, presidential decrees and other legal instruments, before, during and after the enactment. Similarly, with the enactment in 2008 of the Law on Transparency on Public Information, all government institutions and [supreme] courts, are obligated to publicize public information, legislations, regulations, court rulings or jurisprudence and make it accessible to people.

We must acknowledge, however, that on this subject, not all countries possess the same capacity. We believe that in addition to summoning the political will, the only way to narrow the gap between commitments made at the international level and the implementation at the national level is the developments of partnerships to build the capacity of the developing countries. This is another area in which the UN can provide the most assistance.

Another example here concerns the successful implementation of the UN Convention against Corruption, which is now entering the second cycle of its review implementation.

Indonesia benefited a lot through this particular process. We were among the first to volunteer for review, through which we successfully improved our national legal

Check against delivery

infrastructure on corruption and the capacity of our law enforcement officials. Subsequently, we took the role as reviewer three times. On the basis of our national experience, we believe that the review process, as long as it is transparent, efficient, inclusive, impartial and non-intrusive, will continue to be a useful tool to strengthen the rule of law. It is in this regard that Indonesia hopes that the review mechanism under the UN Convention on Transnational Organized Crime—a very important instrument with a high-degree of universality – also becomes a reality in the near future.

Yet another example of triggering the implementation of international law at domestic sphere is the collaborative activities between the UNODC and the World Bank in conducting training of judges on International Asset Recovery, which familiarizes national judges with international rules and practices to better equip them in dealing with corruption or money laundering cases. Indonesia has done numerous similar activities involving stakeholders with the purpose to accustom domestic stakeholders with international legal instruments.

Beyond this, Mr. Chairman, Indonesia strongly advocates a treaty body or secretariat to improve their capacities and resources to oversee the implementation of certain treaties or legally binding instruments.

Finally, it is the conviction of Indonesia that the responsibility for inspiring the authority of the rule of law is that of every Member State. This responsibility should not be delayed, or transferred.

I thank you.