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**Statement by
The Delegation of Indonesia**

on

**Agenda items:
The Rule of Law at the National and International Levels (Item 83)**

New York, 11 October 2012

PERMANENT MISSION OF THE REPUBLIC OF INDONESIA TO THE UNITED NATIONS

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Mr. Chairman,

I wish to begin by aligning this statement of the Indonesian delegation with the statement made earlier by the distinguished delegate of Viet Nam on behalf of the Association of South East Asian Nations, and by the distinguished delegate of Iran on behalf of the Non Aligned Movement.

Let me also join others at this point in reaffirming the commitment of Indonesia to the rule of law as the foundation of equitable state relations and the basis upon which just and fair societies are built.

Mr. Chairman,

Indonesia welcomes the first United Nations High-level Meeting on the rule of law which took place on September 24, 2012. It was an excellent opportunity to identify ways and means to further strengthen the rule of law.

To that extent, we welcome the outcome document of the meeting, as it reflected the very strong commitment of Member States to uphold and implement the rule of law internationally and nationally. In our view, it is only appropriate to take this opportunity to convey our deep gratitude to Ambassador Staur of Denmark and Ambassador De Alba of Mexico who worked as co-facilitators in the preparation of that declaration.

Mr. Chairman,

In the report of the Secretary-General on “Delivering Justice: Programme of Action to Strengthen the Rule of Law at the National and International Levels”, he stressed that upholding the rule of law is central to ensuring the predictability and legitimacy of international relations. Without the rule of law, he said, justice, human rights and fundamental freedoms are unavailing. We agree with this view, and affirm that strengthening the rule of law is just as important at the international level as it is at the national.

In this regard, I wish to emphasize the following points:

First, the strong commitment of all States to an international order based on the UN Charter and other internationally agreed legal instruments is indispensable to the achievement of sustainable peace and prosperity. This is because the multidimensional challenges that the world faces today are of such magnitude that only a global partnership based on international law can effectively address them. Indonesia firmly believes that building partnerships between nations is the best way to maintain international peace and stability.

Second, the work of the principal organs and specialized bodies of the UN must truly reflect the broad sense of justice of the international community, including the revitalization of the General Assembly and the reform of the Security Council. In addition, Indonesia will always support the vital role of the International Court of Justice in the peaceful settlement of international disputes.

Third, we must close the gap between commitments at the international level and implementation at the national level. While it is mainly the responsibility of Member States to implement the rule of law, all countries are not of the same level of development. We must therefore forge a genuine global partnership to enhance the capacity of Member States, particularly developing countries, to carry out their treaty obligations.

Mr. Chairman,

Aligned with the statement delivered by the Non Aligned Movement, we are of the view that the freedom of expression is not absolute. While the freedom to hold opinions is one of the non-derogable rights under article 19 of the International Covenant on Civil and Political Rights (ICCPR), exercising it nonetheless carries with it special duties and responsibilities.

Such freedom must therefore be applied responsibly in accordance with the relevant international human rights law and instruments. Furthermore, the Universal Declaration of Human Rights, a widely accepted international document, also limits such freedom to recognize and respect morality, public order and the rights of others.

Mr. Chairman,

Let me now bring up some pertinent points on the rule of law at the national level.

First, the rule of law, human rights and democracy are interlinked and mutually reinforcing. They also provide the foundation on which sound political, economic and social institutions can be firmly established. That is why, in 2000, Indonesia launched a comprehensive legal reform program as an integral part of its democratic transition.

Second, Indonesia recognizes the important role that civil society and the media play in complementing the efforts of governments to ensure accountability and transparency. Indeed, strengthening the rule of law is a responsibility that all of us collectively share. Hence, all Member States, the United Nations, other international and regional organizations, civil society, and the media are called upon to help ensure effective law enforcement.

Mr. Chairman,

Indonesia has come a long way since its reforms in 1998. Positive changes have been made. The Indonesian constitution has gone through several amendments. In addition, we have established the Constitutional Court, the Judicial Committee and the Corruption Eradication Commission. All these changes are aimed at creating a transparent, accountable and legitimate government.

After fifteen years of national improvement, we are ready to make unremitting efforts in the maintenance and further improvement of the rule of law at the national and international levels.

This is our pledge to all of you, which we believe will contribute to common security, prosperity and justice for all.

Thank you.