

Please check against delivery

Statement by

**Mr. Achsanul Habib
Minister Counselor of the Permanent Mission
of the Republic of Indonesia**

at the Sixth Committee of the General Assembly

on

**Agenda item 84:
“The Rule of Law at the National and
International Levels”**

New York, 6 October 2016

Please check against delivery

Statement by

**Mr. Achsanul Habib
Minister Counsellor**

**Permanent Mission of the Republic of Indonesia
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,

At the outset, I would like to align my statement with the statements made by the distinguished Representatives of Cambodia and Islamic Republic of Iran on behalf of ASEAN and NAM, respectively.

Let me also thank the Secretary-General for his annual report on Strengthening and Coordinating United Nations Rule of Law Activities, which is contained in document A/70/206.

My intervention is focusing on sharing of experience in our practices on “Practical measures to facilitate access to justice for all, including the poorest and most vulnerable and Indonesia’s experiences in the implementation of multilateral treaties”.

Mr. Chairman,

For Indonesia, access to justice is one of the most essential elements of democracy and the rule of law. This is clearly

stated in more than one provisions in our Constitution, and is one of the five philosophical foundations of the State of Indonesia. Justice is the basic human right accorded by the State to its citizens upon the principle of equality before the law.

In a related note, the rule of law is indispensable in maintaining social cohesion and stability in multi-ethnic and multi-faith countries such as Indonesia.

Mr. Chairman,

Indonesia has enacted a number of legislations and legal instruments to guarantee access to justice for its citizens, including:

1. Law on Legal Aids 2011 to provide access to justice free of charge, in particular for the poor, and
2. Law on witness and victim protection 2006, aiming at, among others, to protect and facilitate the most vulnerable in their efforts to seek justice
3. Another initiative to enable justice seekers, particularly the poor, the vulnerable and those living in remote areas to access the courts is the Supreme Court regulation of 2015 on “mobile courts”.
4. An Ombudsman Commission was established in 2000 to facilitate complaints filed by the public against State institutions and companies involved in public service. In practice, the Ombudsman is not only a key instrument for supervision, but also a proper avenue for facilitating the access of the public to justice.

5. Furthermore, since its establishment in 2003, the Constitutional Court has been the preferred venue for people to contest legislation if they feel that such legislation contravenes with the Constitution or infringes on their Constitutional rights. We have seen a steady increase of cases brought by the citizens to the Court.

These initiatives and institutions not only demonstrate the Government's commitment to continuously improve Indonesia's legal system and to strengthen access to justice, but also signify the rise of public awareness of their rights as well as confidence that the system does provides legal avenues for the defense of their rights.

Mr. Chairman,

One determining factor for the effective implementation of international law at the domestic level is capacity-building and technical assistance, particularly for developing countries.

A strong and supportive secretariat, in charged with the monitoring function, as well as to administer and supervise the transfer of knowledge and expertise, is imperative.

The Secretariat of the United Nations Convention against Corruption would be an excellent example of best practices of the process. Facilitated by the Secretariat through technical assistance, Indonesia has conducted numerous capacity building activities, in accordance with national priorities and needs as the core principles. These activities include training of judges to handle asset recovery cases, and of relevant legal officials to draft mutual legal assistance requests.

The Secretariat has also produced numerous tools, documents, databases, directories and initiatives to assist member states in effectively fulfilling their obligations.

Mr. Chairman,

Reflecting to our domestic progress, may I say that Indonesia is very concern about the state of the rule of law at the international level.

We all agree that all States, regardless of size, power and circumstances, are subject to the primacy of law.

But, let us look at the world today: conflicts have increased; 60 million people have been displaced due to armed conflicts; and there is a plethora of violence, terrorism, dire socio-economic conditions and humanitarian disasters.

It is worthy of observation, that in 2017, for instance, Palestine will commemorate its 50th anniversary under Foreign occupation, with no end in sight for a resolution, and mounting frustration for the Palestinian people.

The rule of law, and in particular the UN system with all its legal tools, are being tested and overstretched.

Mr. Chairman,

Allow me to highlight two points:

Firstly, on the way forward, is the necessity for all States to be fully committed to an international order grounded in international law and the Charter of the United Nations.

Secondly, which is similar to the first, is that all of the major organs and specialized bodies of the UN must function, and be seen to function, according to the highest standards of justice and fairness. The long-awaited reform of the Security Council and the revitalization of the General Assembly are critical elements in this regard.

Protection and respect of human rights are imperative for ensuring fairness and transparency.

Mr. Chairman,

Lastly, resolution A/70/1 on transforming our world: The 2030 Agenda for Sustainable Development recognizes the need for an effective rule of law and good governance at all levels. What this means is that true development is neither possible nor achievable in the absence of the rule of law.

This is further reason why all States must ensure, at the domestic and international levels, the primacy of the rule of law, and the effective implementation of all legal obligations in this regard.

I thank you.