



**Statement By
Statement by the Delegation of Indonesia
at the Sixth Committee of the General Assembly
on Agenda item 86:
“The Rule of Law at the National and International Levels”
9 October 2018**

Mr. Chairman,

I am deeply gratified to take the floor on this agenda item, which is always of great importance to Indonesia.

But let me first thank the Secretariat for its work in preparing the annual report before us. I would also like to align my remarks with the statement made by the delegate of Cambodia on behalf of ASEAN, and the delegate of the Islamic Republic of Iran on behalf of the Non Aligned Movement.

The rule of law at the national and international levels has always been a fundamental item on the agenda of the UN. Indeed, it is at the hub of multilateralism because there can be no meaningful international relations without rule of law. The rule of law is a solution to the world problems.

We appreciate the contributions of the UN in capacity-building and technical assistance in upholding the rule of law at the domestic level. We hope that the technical assistance and capacity building are accessible; particularly developing and least developed ones, in line with the needs and upon consent of the receiving states.

Mr. Chairman,

There is no agreed definition on rule of law. Even the UN Charter does not mention a single word of rule of law. But it is essential for us to agree that the principles expressed in the Charter constitute a body of standards considered as the rule of law, It is critical therefore, that we must agree that the Charter’s principles be our guiding rules.

The rule of law is the driving force behind global peace and security. Its key principles, among others: supremacy of law, equality before the law, accountability to the law, fairness in the application of law, separation of powers, participation in decision-making, legal certainty, avoiding selectivity or double standards, transparency in decision making and accessible legal remedies, should be the basis of our discussions and the reporting of the secretariat.

Mr. Chairman,

The Declaration of the High Level Meeting on the Rule of Law in 2012 as contained in Resolution 67/1 said “rule of law applies to all States equally, and to international organizations, including the principal organs of the UN.”

The discussion of the rule of law at the international level will have a meaningful impact if we could reflect the UN rule of law system, particularly to support the absence of balance of power at the UN.

It is our responsibility to strive for rule of law principles to be applied in decision-making at the UN, particularly decisions that are legally binding to Member States, because the primary goal of the rule of law is to prevent the misuse of political power.

Therefore, we need to make use the capacity building and technical assistance provided by the UN to address the problems of Member States in its efforts to domesticate instruments produced by the UN system, particularly Security Council’s resolution and reflect the outcome in the annual SG report on the rule of law.

Mr. Chairman,

We must also agree that the rule of law is threatened in societies where conflict, atrocities and oppressions are prevalent.

One example of this is Palestine. This particular issue has been in the dossier of the UN for 70 years, with more than 80 Security Council resolutions, and has been dealt with under different agenda items, but still left unresolved.

Definitely Palestine is the litmus test of the rule of law at the UN, as it is impossible to discuss this concept away from, or outside the example of Palestine.

Mr. Chairman,

At national level, Indonesia has been very active in engaging non-governmental institutions, including universities to disseminate the application of international law, through workshops, seminars and training.

Earlier this year, Indonesia enacted a revision of anti-terror law as a way of implementing various international anti-terrorism convention and Security Council resolutions. It combines hard and soft approach to counter terrorism.

Finally **Mr Chairman**, we’d like to end by expressing our disagreement to Point 80 of the report stating the incompatibility of the death penalty with fundamental tenets of human rights.

We are of the view that this statement or “assumption” is misleading and inconsistent with the objective of the report, which is “to promote effective implementation of international law”. We consider the inclusion of paragraph 80 to the report is outside the purview of this agenda item.

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In fact, assumption that imposition of the death penalty is increasingly regarded as being incompatible with fundamental tenets of human rights is incompatible with the prevailing principle of international law. The 1966 International Covenant on Civil and Political Rights recognizes the legality of applying the death penalty.

We also believe that this issue is an inalienable component of legal sovereignty of a State, and sovereign equality is one of the key principles of the UN Charter.

Therefore, we request the Secretariat to be more focused in preparing future reports under this agenda item.

I thank you.