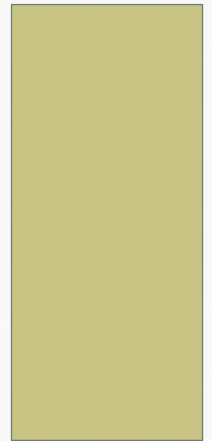


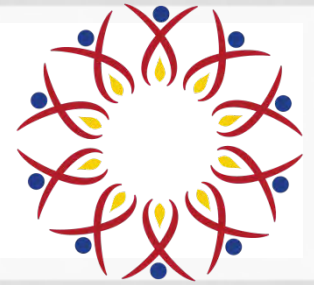


THE ICC AND INDONESIA FROM THE REGIONAL RESPECTIVE

PROF HARKRISTUTI HARKRISNOWO, SH., MA., PHD
HUMAN RIGHTS RESOURCE CENTRE



RELEVANCY WITH ASEAN CHARTER



Preamble

- Adhering to the principles of democracy, the rule of law and good governance, respect for and protection of human rights and fundamental freedoms;

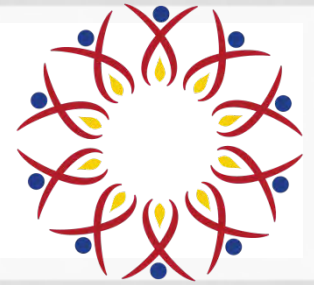
Purposes of ASEAN

- Article 1, paras (1), (4), (7), (8);

Principles of ASEAN

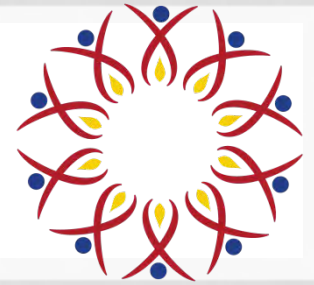
- Article 2, paras (b), (c), (h), (i), (j)

RELEVANCY WITH OTHER ASEAN DOCUMENTS



- ASEAN Political-Security Blueprint, paras (70, (9), (12);
- ASEAN – UN Memorandum of Understanding, 27 September 2007;
- The Joint Declaration of Comprehensive Partnership between the ASEAN and the UN, 19 November 2011.

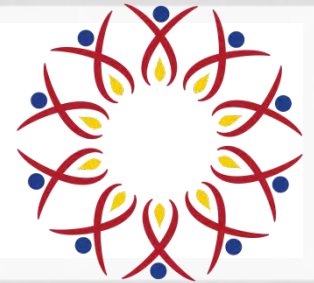
ASEAN MEMBER STATES AND THE ROME STATUTE



	BN	CAM	INA	LAO	MAY	MYR	PHI	SIN	THA	VN	TL
Signatories	N	Y	N	N	N	N	Y	N	Y	N	Y
Ratification / Accession	N	Y	N	N	N	N	Y	N	N	N	Y
Date		11 Apr '02					30 Aug '11				6 Sep '02

- Only two ASEAN States (Cambodia and the Philippines) and Timor Leste that have ratified the Statute
- The ECCC in Cambodia reflects many similar provisions with the ICC
- The new ICC judge is from the Philippines, Judge Raul Pangalangan

COMPARISON (1)



To other sub-regional organization:

- E.g. SAARC (the South Asian Association for Regional Corporation): 2 out of 8 members (Afghanistan and Maldives) have ratified/accessed.

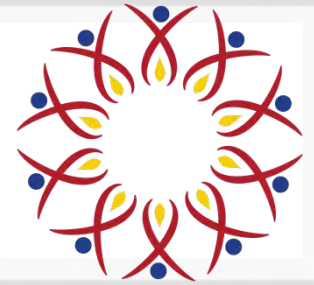
To other sub-region:

- E.g. East Asia: 3 States (Japan, Mongolia, South Korea) have ratified/accessed.

To other region: Europe, America, or Africa

- Europe: 40 States have ratified/accessed.
- Latin America and Caribbean: 27 States have ratified/accessed.
- Africa: 34 States have ratified/accessed.

COMPARISON (2)



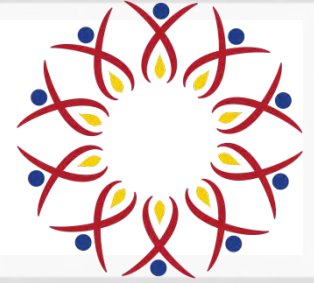
To other organization:

- Out of 57 OIC Member States, 23 States have ratified/accessed the Statute.
- 31 out of 47 UN Human Rights Council current members have ratified/accessed the Statute

To the Rome Statute Membership:

- 19 States from Asia Pacific out of 123 members have ratified/accessed (as of January 2015).
- Australia and New Zealand have ratified (not included in the 19 Asia Pacific States mentioned above).
- Asia is still the least represented region in the ICC

INDONESIA: TIMELINE



Adoption of the Rome Statute

The National Action Plan on Human Rights (RANHAM)

1st RANHAM: Mentioned but No ratification

2nd RANHAM: Idem

3rd RANHAM: No mention of ratification

1998

2004

2008

2010-2014

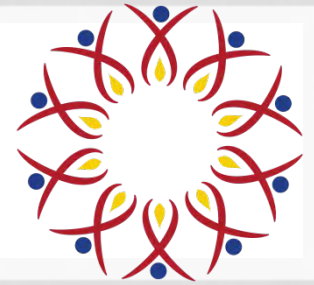
2015-2019

INDONESIA: COMMITMENT ISSUE



- Verbal and written commitment in international forum (e.g. INA delegation statement at the Rome conference in 1998 and a reply letter from President SBY to the President of ICC, Judge Song, in 2012)
- Academic paper and draft legislation were prepared by the Ministry of Law and Human Rights cs
- Consultation with multiple stakeholders, mostly in favor of ratification

WHAT CAN BE DONE?



- Convince the parliament to include ratification of the Rome Statute
- Approach the relevant ministries (e.g. MINDEF, MFA, MLHR), State and government agencies (e.g. NHRIs, the Constitutional Court) and the military – with the correct information;
- Work closely with national and international civil society organizations;
- Emphasize on how the benefit of ratification outweigh the detriment – e.g. showing support for Palestine.

WHAT CAN BE DONE REGIONALLY



- Facilitate diplomatic efforts from the region in accordance to the ASEAN Political Blueprint on A Cohesive, Peaceful And Resilient Region With Shared Responsibility For Comprehensive Security:
 - including through the ARF Defense Officials' Dialogue (DOD) and the ARF Security Policy Conference (ASPC), the annual ASEAN Defense Ministers Meeting (ADMM) and ASEAN Defense Senior Officials' Meetings;
 - ASEAN Law Minister's Meeting;
 - ASEAN Institute for Peace and Reconciliation;
 - Bring the issue to the attention of AICHR (ASEAN Intergovernmental Commission on Human Rights)



THANK YOU

EMAIL: INFO@HRRCA.ORG