THE ICC AND INDONESIA FROM THE REGIONAL RESPECTIVE

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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

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- 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
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.
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

1998: Adoption of the Rome Statute


2008: 1st RANHAM: Mentioned but no ratification

2010-2014: 2nd RANHAM: Idem

2015-2019: 3rd RANHAM: No mention of ratification
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

• 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

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