



**PERMANENT MISSION OF THE REPUBLIC OF INDONESIA
TO THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS**

16, Rue de Saint-Jean · 1203 Geneva · Tel. (022) 345 33 50

Statement by

H.E. Dr. N. Hassan Wirajuda

Minister for Foreign Affairs

Republic of Indonesia

at the 61st Session of
the UN Commission on Human Rights

Geneva, 15 March 2005

Please check against delivery.

Mr. Chairman,
Excellencies,
Distinguished Delegates,

I am greatly honoured to address this distinguished body. I am also glad to be back here, in the premises where I once worked for years, an experience that I cherish.

Allow me, first of all, to congratulate Ms. Louise Arbour on her appointment as UN High Commissioner for Human Rights. May I also felicitate Ambassador Dr. Makarim Wibisono, whose election as Chairman reflects not only the well-deserved recognition of his diplomatic accomplishments but also the trust that members of the Commission place on Indonesia.

In the aftermath of the 26 December earthquake and tsunami disaster that struck the Indonesian provinces of Aceh and North Sumatra, as well as other countries in the Indian Ocean rim, there has been an unprecedented global emergency response in the name of humanity. Before this august body, I deem it fit to quote Nobel laureate William Faulkner: *"I believe that man will not merely endure, he will prevail. He is immortal, not because he, alone among other creatures, has an inexhaustible voice, but because he has a soul, a spirit capable of compassion and sacrifice and endurance."*

Indonesia is very grateful. With your compassion, solidarity, and cooperation, we will prevail.

Excellencies,
Distinguished Delegates,

Let me reiterate Indonesia's full support for the work of the Commission and commitment to the promotion and protection of human rights.

This is a commitment that Indonesia takes very seriously.

We had to wage a centuries-long struggle against colonial rule before we could exercise our right to independence. Indeed, the Preamble of our 1945 Constitution begins with our conviction that *"independence is a right of every nation and, therefore, colonialism must be eliminated."*

Our founding fathers spoke of independence as a right at the time when the concept of self-determination was given dubious meaning within the old world order. We do have to fight for this right, for we believe that independence is a pre-requisite of the full enjoyment of all fundamental human rights.

Sixty years later, we find it unacceptable that the right to independence of the Palestinian people is still being denied. Hence, we must make it top priority

that the recent positive developments would soon lead to the establishment of an independent State of Palestine, living side by side in peace and security with Israel.

Excellencies,

Since Indonesia gained independence, the issue of human rights has figured prominently in our history, although not always in a way that put us in a good light. And if we learned one truth from our experience of six decades, it is that human rights and fundamental freedom are indivisible.

A delicate balance between political and civil rights on the one hand and economic, social and cultural rights on the other must always be maintained.

For more than three decades since the mid-1960s, the Government focused on promoting the economic rights and demanded in turn that the people bear up with rigid authoritarian controls in the name of national stability.

During this period, we Indonesians enjoyed a surge in economic growth, rising standard of living, and high rates of employment and school enrollment. Indonesia was a major participant in the so-called Asian economic miracle.

Thus, economic prosperity became the basis of the Government's legitimacy – and not the consent of the governed.

Those who monopolized power also sought to monopolize the truth by suppressing freedom of the press, freedom of expression, and freedom of assembly. The 1969 Anti-subversion Law was used as the main tool to purge dissent.

In that era, we paid dearly for our prosperity at the cost of political and civil rights.

But when the Asian financial crisis struck in 1997-1998, the Indonesian economy collapsed in one stroke.

- Economic growth, which had been averaging 7% for more than two decades, plummeted to negative 13.5%.
- The amount of foreign debt doubled.
- The unemployment rate also doubled.
- The proportion of the population living below the poverty line went up from 16 percent to 40 percent.

Unable to provide economic deliverance, the regime lost its legitimacy.

An era of reform was then launched, driven by the people's desire to correct past mistakes and injustices, to pursue democratization and uphold the rule of law, and to cleanse Indonesian society of all taints of corruption.

Today, the Indonesian press is among the freest in the world and, together with a dynamic civil society, serves as an important bastion of democracy and human rights.

The promotion and protection of human rights have become top priority in our reform process. In 1999, we abrogated the infamous 1969 Anti-subversion Law. The 1945 Constitution was amended to include a whole chapter containing the principles enshrined in the International Covenant on Civil and Political Rights. A new law on human rights was enacted. Human Rights Courts were established by law, including an Ad-hoc Human Rights Court to try cases of reported human rights violations prior to and immediately after the popular consultation in East Timor in 1999. This judicial process is yet to be completed.

We have also radically reformed our principal political institutions, so that the system of check and balance could function. A constitutional amendment has reduced the tenure and calibrated the once-absolute powers of the presidency. At the same time, new laws made possible the emergence of an elected Parliament that is no longer a rubber stamp of the Executive. The Judiciary is now independently managed by the Supreme Court and no longer shared by the Ministry of Justice. Still very much in need of capacity building, the Indonesian court system has nevertheless shown great independence in its recent decisions.

We have separated the national police from the military, making it a more effective law enforcement body. The military has been relieved of all socio-political functions, including their representation in Parliament. Moreover, the military has been exercising internal reform within the new framework of civilian-military relations.

Excellencies,

The spirit of reform has galvanized the people not only to exercise their human rights and fundamental freedoms, but it has also inspired them to assume their sovereign rights.

The people have taken their destiny into their own hands and secured their rightful role in the process of national decision-making. Last year was a watershed in our history as, in the period of only six months, we held three national elections, one parliamentary and two direct presidential elections.

It was a massive undertaking: 125 million voters exercised their rights through 575,000 polling stations on some 6,000 islands of the archipelago. It was a very peaceful exercise of democracy. Thus, for the first time in our history, we have a President and Vice President directly elected by the people.

Through the ballot, the Indonesian people spoke directly for themselves and made Indonesia indisputably the world's third largest democracy.

Hence, the Indonesia of today should be measured not with the yardstick by which we were judged in past decades; but in the context of ongoing change and how we are managing that change.

Excellencies,

There will be more changes in Indonesia in the months and years ahead. We are consolidating our economic recovery through vigorous reform. With a massive infrastructure programme, we will attract foreign direct investments to help drive economic growth.

- Economic growth rate has risen from its lowest at negative 13.5% in 1998 to zero in 1999, to 2% in 2000, and to 5.5% last year. We hope to achieve rates of 6% and higher in the years ahead.
- Inflation rate and budget deficit are well managed.
- Currency rate has been stable for the last several years.
- Foreign exchange reserve has amounted to US\$ 37 billion, the highest amount in our history.

On the political front, while further enhancing autonomy of the regions, we are strengthening our democratic processes. The governors, district heads and other local officials will soon be directly elected by the people. As public officials become more directly accountable to the people, we are confident that governance will be more effective.

At the same time we deem it important that our efforts to serve the economic and social rights of our citizens are robust enough to match our efforts at democratization and the promotion and protection of political and civil rights.

At one time, the pendulum swung too far to one side, the side of economic and social rights. We are aware of the danger that it will swing to the other extreme.

Striking a balance is the key to our success.

Allow me at this juncture to touch briefly upon the debate about democracy, human rights, and security—in relation to the fight against terrorism. Indonesia is a country victimized by terrorism. Three major bombings have taken place in the last three years that killed hundreds of innocent lives, Indonesians as well as foreigners. Hence, Indonesia has always been among the first to condemn such acts of terrorism.

In the aftermath of each of those terrorist attacks, benefiting from enhanced international cooperation, we have been successful not only in apprehending the perpetrators and breaking up their networks but also bringing them to justice. We are proud of this success.

More than that, we are proud that we have managed to uphold the due process of law.

- There has been no indefinite detention, as otherwise prescribed and exercised by some countries.
- The principle of “habeas corpus” remains intact.
- The rights of the alleged perpetrators are guaranteed in accordance with the law.

For we believe there is no recourse to the due process of law; denial of which would be the ultimate affront to human dignity. For we believe that, in our fight against terrorism, there should be—and there must be—no contest between democracy, human rights, and security. Indeed, human rights and good governance can reinforce our immune system against the disease of terrorism.

Excellencies,

As in other countries in democratic transition, Indonesia has to deal with the burdens of the past injustices. Under a new law, we have set up human rights courts to try instances of serious violations of human rights. Similar to other countries, our experience shows that the standard mechanism of prosecution and trial cannot be relied on to expose the truth and break the cycle of hatred and revenge.

Hence, we are establishing a Commission on Truth and Reconciliation with a new law enacted in September last year. The work of this Commission will launch a process of revealing the factual truth in which both perpetrators and victims are enabled to tell the story of what really happened. This will put an end to denials that are the main obstruction to reconciliation.

The need to reveal the truth and to seek reconciliation becomes even more acute when the burden of the past is shared with another nation. There is a need to bring to closure the reported violations of human rights that took place prior to and immediately following the 1999 popular consultation in Timor-Leste.

Since then, Indonesia has made its democratic transition and Timor-Leste has achieved international recognition of its independence and sovereignty. Indonesia quickly recognized that sovereignty and its leaders attended the historic rites of Timor-Leste’s assumption of independence.

In the past three years, we have been working very closely with the Government of Timor-Leste in dealing with residual issues. We have gained a notable success. At the same time, we have been successful in promoting reconciliation between the two governments and peoples.

- We have completed 96% of land border demarcation and we are determined to finalize it speedily.
- We have managed to set up land and sea access to the enclave of Oucussi, traditional border crossing access and regulated market arrangement.
- Some 1200 students from Timor-Leste are now studying in Indonesian universities with scholarships and other special arrangements.
- In November 1999, there were 285,000 refugees from Timor-Leste in West Timor. Today, there are about 16,000 left – most of them want to remain Indonesian citizens and are in the process of relocation to other places in Indonesia. This has been the most successful cooperation and joint operation in the history of refugee-situation management.

In developing a stable, friendly, and mutually beneficial neighbourly relationship, Indonesia and Timor-Leste are committed to resolve the remaining residual issues – and to deepen and expand bilateral relations.

Hence, the leaders of Indonesia and Timor-Leste decided on 14 December 2004 to establish the Commission of Truth and Friendship. The terms of reference of the Commission was jointly adopted on 9 March 2005.

The Commission will commence its work before August 2005 for the period of one year, with the possibility of a maximum one year extension.

The Commission has a broad mandate to ferret out the truth and to recommend ways to heal the wounds of the past, rehabilitate and restore human dignity, and enhance peace and stability. With these accomplished, both countries would then be able to regard the past as a lesson and embrace the future with optimism.

Excellencies,

At the regional level, Indonesia and the rest of the ASEAN family are striving to promote a climate conducive to respect for human rights by becoming an ASEAN Security Community. This is by no means a military alliance; but a way of assuming full responsibility for peace and stability in our own region.

To evolve into such a Community, we will have to promote shared values as the basis for our political cooperation. In creating a just, democratic and harmonious environment, we will make it a point to nurture democracy and respect for human rights as our shared vision.

In closing, Mr. Chairman,

Let me now express some long-held thoughts about the work of the UN Commission on Human Rights. I have been a member of the Indonesian

delegation to this Commission since 1989 when my country was an observer, through the years when Indonesia was a member, and now that it is Chairman.

I am therefore privileged with some familiarity with the way the Commission works. Hence, I cannot help observing that this forum has been too much politicized. There is insufficient dialogue between the Commission and various important stakeholders. There has not been sufficient investment in technical cooperation.

To my mind, one of the straightforward measures to ensure that the processes of the Commission are closer to the ground is by alternating sessions between Geneva and other countries. I believe many countries would gladly offer to host the Commission's session as it would promote public education and foster dialogues among the relevant stakeholders. I know Indonesia would be one.

I thank you.