



5th Congress of the World Conference on Constitutional Justice
“Constitutional Justice and Peace”
Bali, Indonesia, 4-7 October 2022

Honorary speech by
Ms Retno Marsudi
Minister for Foreign Affairs of the Republic of Indonesia

Your Honour Chief Justice Anwar Usman,
Presidents and Judges of Constitutional Courts,
Distinguished delegates,
Colleagues,
Ladies and Gentlemen,

I am so honored to address the 5th Congress of the World Conference on Constitutional Justice (WCCJ).

I apologize for not being in this very important gathering in person due to conflicting schedules, but I will join you all in person with my President later this afternoon.

Excellencies,
Ladies and Gentlemen,

Indonesia views constitutional justice as a key element in achieving global peace, equality, and justice. These values are reflected in our very own constitution and serve as a fundamental guiding principle for Indonesia's foreign policy.

Therefore today's congress is crucial, especially as we are at the very fragile state of the world. War amongst nations and widening distrust is the current reality. International law is neglected. Food, energy, climate and financial crisis all happening at the same time.

During the pandemic, interstate conflict and violence are globally on the rise with active armed conflict occurring in at least 46 states in 2021. These challenges are multiplying factors for injustice.

Global billionaire wealth grew by 4.4 trillion USD between 2020 and 2021. While more than 100 million people fell below the poverty line. 40% of developing and least developed countries will not achieve the same level of economic recovery with the developed world.

The question now is, how can constitutional courts contribute to address the current global crisis and attain global peace and justice.

First, by creating a conducive environment for peace and social justice.

Excellencies,

Ladies and Gentlemen,

Protection of human rights and safeguarding a functioning democracy are precondition for peace and social justice.

The pandemic has brought unprecedented challenges to these preconditions, including an established democracies.

This follows a trend of democratic backsliding for 16 consecutive years as mentioned by the 2022 Freedom House report.

The global pandemic has also brought question on the balance between maintaining human rights and saving lives. Undoubtedly, there is a nexus between democracy and protection of human rights and the establishment of peace and justice.

As the democratic peace theory suggests, Democratic States tend not to go to war against each other. Therefore, as a guardian of constitutional justice, constitutional courts has a crucial part to play to solidify the pillars of democracy and protect human rights. This has been Indonesia's foreign policy in the last 15 years through the Bali Democracy Forum. Through Bali Democracy Forum, we continue to advance democracy and human rights in the region.

Second, by ensuring paradigm of collaboration and peace. Colleagues, we must leave the post Second World War paradigm in which interaction among countries is based on distrust and containment. The conflict in Ukraine is only a symptom. Chaos and war can happen everywhere. If we continue on this path, global peace and stability will be impossible to achieve.

During the 77th UNGA last September, I offer a new paradigm as a transformative solution. A paradigm of win-win, not a zero sum; a paradigm of engagement, not of containment; and a paradigm of collaboration, not of competition. This paradigm starts with upholding respect to international law, in particular, the fundamental principles of sovereignty and territorial integrity. This paradigm will ensure that disputes will be settled on the negotiating table, rather than the battlefield. With this new paradigm, we will also achieve strong recovery for all and no one will be left behind.

Therefore, I view that constitutional courts can play a significant role to ensure a country's adherence to the rule of law. Constitutional courts also plays a crucial part in ensuring countries to observe international legal obligations, which in turn helps shape countries' peaceful behaviour and nurture the paradigm of collaboration.

Excellencies,

Ladies and Gentlemen,

We cannot speak of peace without justice. We cannot speak justice, without peace. These two sides of a coin are inseparable. Constitutional courts play a crucial role in ensuring that both sides are attained.

On that note I will end my remarks and I wish you all a successful deliberation. I will see you again today and thank you very much.