



PERMANENT MISSION
OF THE KINGDOM OF TONGA
TO

State of Tonga
Permanent Representative of the Kingdom of Tonga to the United Nations
At the Meeting of the Sixth meeting on Agenda Item 84
The Rule of Law at the National and International Levels

New York, Thursday, 16th October 2016

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Mr. Chairman,

1. Since this is the first time for Tonga to take the floor, allow me to congratulate you on your election as Chairman of the Sixth Committee, and through you to likewise congratulate the members of the Committee on their elections as well. You have my delegation's full support throughout the work of the Committee. In so saying, we would like to express our thoughts particularly on the topic: "Sharing national experiences of States in the implementation of multilateral treaties".

Mr. Chairman,

2. In addition to welcoming the report of the Secretary-General on "Strengthening and coordinating United Nations rule of law activities", we commend the role of the United Nations and its work in the promotion and delivery of international law. The various support mechanisms it provides member States, including on international treaty law and practice and the comprehensive treaties and United Nations Treaty Series have been of great assistance to my country in terms of capacity-building and institutional strengthening, and thus contribute to our ability to cooperate with our partners.

Mr. Chairman,

3. My country attaches great importance to the rule of law at the national and international level. As we all know, the rule of law is essential to ensure a peaceful, secure and stable society. The rule of law is best promoted through a sense of ownership and respect for it at all levels of society. Ownership and understanding in the sense that any legislative framework developed must provide a delicate balance in its relevance and capacity to address issues at the national level, whilst at the same time upholding provisions for multilateral treaties.

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4. This balance has and is, only made possible in my country, a small island developing state, through the effective advocacy of a number of bilateral treaties and collaboration between international and national counterparts, donor agencies, unions, and appropriate institutional strengthening.

Mr. Chairman,

5. A successful example of this approach was the work conducted between the International Labour Organization and the Government in terms of domesticating and implementing the ILO Constitution in Tonga.

6. This collaboration resulted in consultations with relevant stakeholders, the drafting of an Employment Relations Bill and finally the accession of Tonga to the ILO through its acceptance of obligations under the ILO Constitution and thus becoming the 187th member of the ILO on the 24th February this year. Tonga will continue its constructive engagement with the ILO to discuss the development of its Decent Work Program for 2016 to 2017 with tripartite constituents from government, workers, and employers' associations. Further dialogue between the ILO and the Government will continue over other related matters to be agreed upon.

Mr. Chairman,

7. This approach has not been without its challenges. When the Tonga Government announced its intention to accede to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), it was faced with an unprecedented level of opposition from stakeholders. This despite the advocacy, collaboration with international experts, and public consultations, was not received positively and eventually led to the Government's decision to postpone its accession.

8. The Government, with the assistance of the ILO Regional Office for the Pacific Community, conducted consultations and workshops to help stakeholders better understand the rights and obligations under the Convention. In addition the workshops highlighted the problems encountered in Tonga due to gender inequality and expounded on the ways and means in which the Convention could address it.

9. Despite these efforts, a number of stakeholders and influential prominent figures were not supportive of the Government's initiative and, as has been argued, misinterpreted the effect of the Convention.

10. Although Tonga's accession to CEDAW has been put on hold for now, the Government is working, with the assistance of the OHCHR Regional Office for the Pacific, to determine innovative ways in which it could use to garner support of all stakeholders in this regard with a view to eventual domestication and implementation.

Mr Chairman,

11. To conclude, the implementation of multilateral treaties at the national level is a challenge to the rule of law in Tonga. We have recently found success in its implementation, demonstrating from the wish of the Tongan government to be consistent and transparent in its work in this regard. Ironically, the further democratization of our country in 2010 had although with the best of intentions, led to the challenges I have outlined, my country must and will increasingly overcome these challenges in time. Hitherto, the domestication of international treaties had not required extensive consultation with relevant stakeholders. In that regard, implementation of international treaties may have been easier.

Although Tonga has regularly showcased on the high level of consensus and effort, the high ideal of rule of law at the national and international level will be fully accomplished as intended.

12. Finally therefore, we wish to highlight once again Mr Chairman the importance of a close working relationship between national and international building and institutional strengthening, and in this regard we would close by encouraging collaborations to become a reality, and through the related projects of the CVID.

I thank you Mr Chairman.