



PERMANENT MISSION
OF THE KINGDOM OF TONGA
TO THE UNITED NATIONS

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Statement by H.E. Mr. Mahe 'U. S. Tupouniua,
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On Agenda Item 82: Rule of Law at the National and International Level,
at the Sixth Committee of the 69th Session of the United Nations General Assembly
New York, Thursday, 09 October 2014

Mr. Chairman,

Given this is the first time my delegation is taking the floor, allow me to congratulate you personally and on behalf of my delegation on your assumption of the Chairmanship of the Sixth Committee. I wish to assure you Mr. Chairman of my delegation's full support. I likewise wish to congratulate the members of your Bureau for their election to their various posts, and we are confident that they will provide you the necessary support to ensure the ongoing success of the work of your Committee.

Mr. Chairman,

General Assembly Resolution 68/116 invited Member States to focus their comments in this debate on the subtopic "Sharing States' national practices in strengthening the rule of law through access to justice".

This approach was related to a call to the Secretary General and the United Nations system to systematically address, as appropriate, aspects of the rule of law in relevant activities, including the participation of women in rule of law-related activities, recognizing the importance of the rule of law to virtually all areas of United Nations engagement.

Tonga aligns itself with this intention of the General Assembly and calls upon member states at the outset to encourage the progressive development of international law and its codification, and to abide by all their obligations under international law.

Mr. Chairman

In terms of sharing Tonga's national practice in relation to the rule of law, Tonga is committed to facilitating access to justice for all members of the Pacific Small Island Developing States (PSIDS). Tonga wishes to endorse the promotion of effective dispute resolution at the regional and domestic levels, and speak on its national practice in providing access to justice for all. Accordingly, Tonga welcomes and subscribes to the comments of the Secretary-General in its "Report on Strengthening and Coordinating United Nations Rule of Law Activities", in which sustainable development needs are set out, including the strengthening of judicial systems and the implementation of human rights commitments.

Tonga participates in the Pacific Judicial Development Programme as one of the 14 participating Pacific Islands. The goal of the Programme is to strengthen governance and rule of law in the Pacific region through enhanced access to justice and independent judicial officers. The current phase (extending to June 2015) aims to consolidate and extend the delivery of the highest quality in judicial training and practice, as well as court development services, including

the localization of such services. Family violence and youth justice awareness workshops are also being developed by the program.

Tonga is also a participant in the “Advancing Gender Justice in the Pacific Programme” through UN Women, and has made active developments to facilitate the participation of women in the judicial sphere, particularly in the context of this programme. Tonga also has a process for the consistent translation of its laws into the Tongan language to facilitate access to the law and justice for all its nationals. Tonga views practices such as these as being essential to strengthening the rule of law at the national level. Tonga calls on all member states to facilitate participation at both the national and regional level with the aim of increasing access to justice for all, and facilitating a fair and just legal system.

Mr. Chairman,

At the international level, Tonga notes that in the 68th Session of the General Assembly, some member states expressed the view that a more action-oriented approach was needed to the rule of law, and a follow-up mechanism should be created.

States have affirmed the importance of developing and maintaining cooperation within the international community through international law and the three pillars of the UN, namely 1) international peace; 2) socio-economic development; and 3) human rights. These issues are directly linked with the Sustainable Development Goals, the post-2015 Development Agenda, and the search for multi-stakeholder and partnership approaches – a highlight of our Head of State’s address to the General Assembly at this year’s High Level Debate last month.

Mr. Chairman,

States have expressed also that the role played by the Security Council in the United Nations framework needs to be addressed in the context of the rule of law. Tonga subscribes to these statements. Tonga also subscribes to the view that the Security Council contributes to the development of international law by ensuring equitable standards of behavior of states, which may lead to the custom of states, to ensure international peace and security. In so saying, Tonga reiterates the submission that has been made to the Security Council regarding climate change and its implications on international peace and security. Tonga has observed with much hope the expansion of the scope of what may constitute threats to international peace and security when the issue of health was rightly considered and supported by all members of the Council and by the United Nations membership generally with regards to the ebola virus. With disappearing islands and territories having negative implications on international borders and may be a cause for vast movements of people seeking refuge from such a threat, it must be timely for the Council to likewise consider this issue of climate change in terms of a threat to international peace and security, and decide on the appropriate behavior of states in this regard. This would be an important avenue to build on the relevant rule of law for international states on this important issue, and provide an additional protection for all concerned.

Member states have also highlighted the importance of the International Court of Justice (ICJ), and the International Tribunal Law of the Sea (ITLOS) in the settlement of disputes, and the development of international law. The ICJ and the ITLOS have had a key role in developing law in areas of central importance for Tonga, such as international environmental law and the law of the sea. The establishment of a due diligence standard in environmental international law by the ICJ and the ITLOS in its past judgments play a key role on issues regarding climate change. Furthermore, their advisory powers regarding the deep seabed also has an important role in the management of the resources of the seabed in areas beyond national jurisdiction. Also, as commented by the Secretary-General in its Report, several arbitral tribunals established under Annex VII to the United Nations Convention on the Law of the Sea deals with a number of issues

including marine protected areas, maritime jurisdiction, and the boarding and detention of vessels, which are also of essential importance to Tonga and to the governance of the oceans and jurisdiction in it. Increasing the role of the rule of law in these areas will strengthen the avenues for international cooperation through access to justice.

The law-codification and progressive development role of the International Law Commission is also important for Tonga and other member states. The ILC is currently dealing with issues such as atmospheric pollution, which is a significant issue for Tonga, and will continue to be so in the future. Tonga supports the role of the ILC in addressing this matter.

Mr. Chairman,

Tonga calls on member states to work together to strengthen the rule of law at both the international, regional, and national levels. We look forward to developments on this matter during this session of the Sixth Committee.

I thank you