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## The Experience of a Small State\*

The UPR mechanism received attention and sanction at the highest level of government in Tonga and the Tongan Foreign Service was keen to engage constructively with the process and to achieve a successful review. Given the size and capacity constraints of the Tongan Foreign Service and the prescriptive requirements of the UPR process, it was decided that the state would reach out to development partners and allies for assistance.

The assistance came, courtesy of the New Zealand Government, in the form of an adviser – a former judge with experience of the Pacific region. The co-ordination and preparation of the report involved an intense ten-day consultation period with 49 civil society organisations, including the chambers of commerce, the media, religious organisations, the private sector and other stakeholders. The Government was fully aware of NGO involvement in Tonga and was therefore committed to ensuring a wide consultative process.

The national consultative process was carried out as the capital was emerging from a difficult period following the riots of 2006. The consultation enabled a shift in focus from a disturbing past and paved the way for Tongans to openly exchange views in a calm and collective manner on the human rights record of their country. Such discussions were difficult at times, but the judge-adviser helped to entrench the necessary respect and demeanour.

The report was eventually accepted by all those involved in the process. Somewhat unusually, the consultation process resulted in consensus from all quarters. The national report was able not only to represent the views of the Government, but also to portray the views of civil society, NGOs and other stakeholders. Such consensus was deemed rather fortuitous and did not preclude the NGOs from submitting their own reports to the UPR process. The finalised report was submitted first to the Prime Minister and then to the Cabinet. Following their approval, it was transmitted to the Human Rights Council.

Both because of the unfamiliarity of the UPR process and the absence of a Tonga diplomatic mission in Geneva, many practical elements of the UPR were unclear. Concerns included how best to present the report to the HRC and how the three-hour interactive dialogue would turn out in reality. Despite these practical concerns, Tonga was committed to delivering the best possible results of the process.

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Tongan officials observed the first UPR working group session in April 2008 in order to gain an overview of the process and to help decide on the composition of the Tongan delegation for their own working group session in May 2008. It was decided that a high-level delegation made up of the Foreign Minister, the UN Ambassador, the UK High Commissioner and a Foreign Service official would represent Tonga.

Tonga approached the UPR process with much enthusiasm. During the interactive dialogue 34 states made comments and asked questions. Most statements were definite recommendations and were proposed in a straightforward manner.

The Tongan delegation, through the Foreign Minister, accepted 31 recommendations and rejected 11. In June 2008, Tonga returned to the HRC for the final adoption of the report. There were no further changes or amendments. Tonga found value in this last one-hour session due to the opportunity to make residual comments and to listen to the NGOs who are given a platform to highlight issues that they feel are important.

In Tonga's experience, the NGOs made interesting comments and the state was receptive to this dialogue as a part of the process. The only concern was that many of the NGOs present at this session were international organisations. Tonga's opinion was that there should be more opportunity for local NGOs, who work in the country under review, to make representations to the HRC.

In terms of the follow-up, Tonga was made aware of the trust fund for financial assistance towards capacity building and technical assistance. When this fund is operational, Tonga is keen to make use of financial and technical assistance in the following specific areas of concern: greater training and opportunities for civil society organisations; civic and educational programmes focusing on reconciliation; assistance on treaty ratification; and assistance in ongoing constitutional and political reform.

Overall, Tonga's experience of the UPR was that the process presented a great opportunity to share with the world 'the Tongan story'. The process particularly emphasised dialogue, not only in Geneva, but by facilitating many opportunities for follow-up conversations and offers of assistance. In addition, Tonga believes that it succeeded in delivering its report to the best of standards because there was a political will within Tonga to fully embrace the UPR. Tonga is keen to build on the momentum of the UPR process and is considering sharing its report with inter-governmental organisations such as the European Commission. It is hoped that sharing Tonga's experience with others will enable human rights achievements on the ground as a result of further discussions and collaboration.