

# TONGA

*CERD*

## **RESERVATIONS AND DECLARATIONS**

*(Unless otherwise indicated, the reservations and declarations were made upon ratification, accession or succession)*

Reservation:

"To the extent, [...], that any law relating to land in Tonga which prohibits or restricts the alienation of land by the indigenous inhabitants may not fulfil the obligations referred to in article 5 (d) (v), [...], the Kingdom of Tonga reserves the right not to apply the Convention to Tonga."

Declaration:

"Secondly, the Kingdom of Tonga wishes to state its understanding of certain articles in the Convention. It interprets article 4 as requiring a party to the Convention to adopt further legislative measures in the fields covered by sub-paragraphs (a), (b) and (c) of that article only in so far as it may consider with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention (in particular the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association) that some legislative addition to or variation of existing law and practice in those fields is necessary for the attainment of the end specified in the earlier part of article 4. Further, the Kingdom of Tonga interprets the requirement in article 6 concerning 'reparation or satisfaction' as being fulfilled if one or other of these forms of redress is made available and interprets 'satisfaction' as including any form of redress effective to bring the discriminatory conduct to an end. In addition it interprets article 20 and the other related provisions of Part III of the Convention as meaning that if a reservation is not accepted the State making the reservation does not become a Party to the Convention.

Lastly, the Kingdom of Tonga maintains its position in regard to article 15. In its view this article is discriminatory in that it establishes a procedure for the receipt of petitions relating to dependent territories while making no comparable provision for States without such territories. Moreover, the article purports to establish a procedure applicable to the dependent territories of States whether or not those States have become parties to the Convention. His Majesty's Government have decided that the Kingdom of Tonga should accede to the Convention, these objections notwithstanding because of the importance they attach to the Convention as a whole."

## Note

By a notification received on 28 October 1977, the Government of Tonga informed the

Secretary-General that it has decided to withdraw only those reservations made upon accession relating to article 5 (c) in so far as it relates to elections, and reservations relating to articles 2, 3 and 5 (e) (v), in so far as these articles relate to education and training. For the text of the original reservation see United Nations, Treaty Series, vol. 829, p. 371.

*[Ed. note: as follows:*

*"To the extent, if any, that any law relating to elections in Tonga may not fulfil the obligations referred to in article 5 (c), that any law relating to land in Tonga which prohibits or restricts the alienation of land by the indigenous inhabitants may not fulfil the obligations referred to in article 5 (d) (v), or that the school system of Tonga may not fulfil the obligations referred to in articles 2, 3, or 5 (e) (v), the Kingdom of Tonga reserves the right not to apply the Convention to Tonga."]*

*(Note 29, Chapter IV.2, Multilateral Treaties Deposited with the Secretary-General)*

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*(Ed. note: See also United Kingdom of Great Britain and Northern Ireland, Reservations and Declarations, Note 14.)*