

**Strengthening Human Rights Education in the Pacific Island Region:
An overview of the efforts made by the political science staff at the
University of the South Pacific**

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Issues revolving around human rights education have been debated in the Pacific Island region for some time. While much of the associated discourse is related to philosophical arguments about the relevancy of the area for Pacific Island people, this paper recognises the interest of students in the theme and argues that, for this reason alone, it is worth pursuing.

While the UN Decade for Human Rights Education ended in 2004, it is still apparent that there is both the interest and the need to strengthen this area in the Pacific Island region. Despite the initiatives throughout the region—both by NGOs and other civil society organisations—human rights, as both a concept and practical reality, are still considered to be a controversial issue, with some scholars and politicians arguing that the notion of human rights does not apply to the region. Such arguments are largely philosophical and based on differing interpretations of the human rights regime and its practical application vis-à-vis cultural considerations in the Pacific. Irrespective of such academic arguments, however, in my experience teaching at the University of the South Pacific (USP), I have discovered that it is a topic that students are keenly interested in and, for this reason alone, I would argue that education in this area should be further emphasised.¹ It is also the case that human rights have been institutionalised into Pacific Island law via their constitutions. This in itself makes it a relevant and important area for educators.

This paper serves to present an overview of the approach to human rights by the USP member countries, while highlighting some of the key initiatives in regard to human rights education at USP, and focusing specifically on the work being undertaken by political science staff within the Department of History and Politics.

Background to USP

The University of the South Pacific was established in 1968 and is the largest single university serving the Pacific Island region. There are twelve member countries—Cook Islands, Fiji, Kiribati, Marshall Islands, Nauru, Niue, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu—with some 18000 students (USP Calendar 2005). While USP maintains campuses in Fiji (Laucala), Vanuatu (Emalus) and Samoa (Alafua), many of our students study through the flexible learning mode which enables them to study at the Centres which are established in each member country.

All USP member countries are constitutionally independent with the exception of Tokelau. With a referendum for independence being held in early February 2006, it is imperative to note that Tokelau currently retains a constitutional arrangement with New Zealand which has a bearing on its external relationships. Tokelau is currently bound by international conventions agreed to by New Zealand.

Overview of human rights in the region

As noted in the introduction, the relevance and practical application of human rights in countries within the Pacific Island region has been debated for some time. Many arguments focus on the perception of rights as a western liberal tool which compromises the sovereignty of the Pacific Island state or the appropriateness of what is viewed as an individual model as opposed to the more acceptable collective approach (Helu 1999; Thaman 1999; Taufe'ulungaki 2004; Vakatale 2000). Other arguments focus on the idea of the disregard for indigenous cultures and values inherent in the universal model (Thaman 1999; Vakatale 2000). The debate is an ongoing one that has featured in the writings of both Pacific Island and non-Pacific Island scholars and is worthwhile pursuing for a number of ontological and philosophical reasons. Of prime importance may well be the questions that are often posed by students in my classroom, namely:

1. Where exactly did the push for human rights originate?
2. What is meant by the term and concept of human rights?
3. Are individual human rights culturally acceptable for Pacific Islanders?

Commitment to UN human rights standards

It has been argued that many Pacific Island states have not become a party to the major international instruments of human rights and that this is indicative of a lack of commitment or understanding of human rights issues in the region (Wickliffe 1999). The 'International Bill of Human Rights' consists of the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights* (ICCPR), and the *International Covenant of Economic, Social and Cultural Rights* (ICESCR). Of the eleven independent USP member countries Solomon Islands is the only USP member country to be a party to the ICESCR (it succeeded to the Covenant in 1982) (OHCHRa), while Nauru is the only member demonstrating commitment to the principles of the ICCPR by becoming a signatory in 2001 (OHCHRb). Six of the eleven countries (Fiji, Kiribati, Samoa, Solomon Islands, Tuvalu and Vanuatu) have agreed to become a party to the *Convention on the Elimination of All forms of Discrimination Against Women* (CEDAW) (OHCHRc). All are party to the *Convention on the Rights of the Child* (OHCHRd). Of other important international conventions, the USP members have resisted signing any with the exception of the *International Convention on the Elimination of All forms of Racial Discrimination* which Fiji and Solomon Islands are both party to (OHCHRe).

The seeming resistance to become a party to various international treaties should not be construed, however, as a lack of commitment to the principles of human rights by the USP member countries. Those governments that have not signed CEDAW, for example, are making progress towards fulfillment of key obligations. It should also be noted that all of the USP member countries are members of other organisations such as the Secretariat of the Pacific Community (SPC) and, with the exception of Marshall Islands, the Commonwealth. The Commonwealth has established its commitment to the protection and promotion of the human rights of the citizens of its members through a variety of treaties and declarations, and SPC has a number of projects which address a range of human rights related issues. Examples include their Hardship and Poverty project, and public health and socio-economic programmes.

Almost every USP member country includes provisions to protect the human rights of its citizens within its constitution.² This takes the form of a ‘Bill of Rights’ in the constitutions of Marshall Islands (Article 2), Tuvalu (Part 2) and Fiji. *The Constitution of Tonga* contains a *Declaration of Rights*. Other states make reference to the ‘fundamental rights’ of citizens. Part II of the *Constitution of the Independent State of Western Samoa* stipulates the ‘Fundamental Rights’ of Samoan citizens while Part IVA of the *Constitution of the Cook Islands* outlines the ‘Fundamental Human Rights and Freedoms’. The *Constitution of Solomon Islands* and *The Constitution of Kiribati* contain chapters on the ‘Protection of Fundamental Rights and Freedoms of the Individual’. Part II of *Constitution of Nauru* is dedicated to the ‘Protection of Fundamental Rights & Freedoms’. Only the *Constitution of the Republic of Vanuatu* makes reference to the obligations of citizens in its ‘Fundamental Rights & Duties’. The Constitutions of Fiji, Marshall Islands and Kiribati make a further commitment to rights by attempting to safeguard traditional or group rights.³

Tokelau’s draft constitution also contains a section on human rights. The provisions use two international instruments to define human rights (the Universal Declaration of Human Rights—UDHR—and the International Covenant on Civil and Political Rights) while also allowing citizens to apply to the Council of Ongoing Government for further protection (*Constitution of Tokelau*).

The *Niue Constitution Act* is the only constitution of a USP member country to not specifically dedicate a portion to the rights of individuals. However, other sections offer protection of the rights of the Niuean people. For example, Part V: Health, Education, and other Social Services (Section 61) outlines a number of responsibilities which are, ultimately, rights related. Along with the establishment and maintenance of public health and education facilities, the constitution notes that:

[t]he Cabinet shall be responsible for establishing and maintaining such other institutions and services and for making such other provision as it considers necessary to provide a reasonable standard of living for the people of Niue and to secure their economic, social, and cultural welfare. (Niue Constitution Act)

'Rights', as they can be broadly interpreted, are also incorporated into the legal systems of Pacific Island states. Institutionalising rights does not, of course, guarantee the delivery of them and this is as true for Pacific Island states as for any other state. Furthermore, acknowledging that rights exist, cannot be construed to imply that people understand what their rights, as citizens, are. Pointing to a variety of human rights violations, Wickliffe advocated the establishment of a Pacific Centre for Human Rights, arguing that "[n]ational constitutions and institutions in the Pacific are not protecting the human rights of citizens of the Pacific", hence, "[i]t is now commonly accepted that what is needed in the Pacific is good human rights education" (Wickliffe 1999).

Human rights education in the region: The results so far

Such education as Wickliffe promotes needs to happen on many different levels. Across the Pacific Island region there are a number of NGOs that are dedicated to the dissemination of information about human rights issues. While each organisation has its own constituency, it is clearly the case that human rights issues *are* being discussed at a community level throughout the region. The type of awareness raising undertaken by NGOs and other members of civil society in the guise of workshops, dissemination of information, radio programmes and so on is fundamental to human rights education.

The United Nations has also been instrumental in providing human rights education in the region. UNDP (Fiji office) has undertaken preliminary work in establishing a Civic and Human Rights Education project in Fiji (the formulation of which was undertaken by a fellow of the Institute of Education at USP) (Benson 2003). The Pacific Regional Rights Resource Training Team (RRRT) has been involved in human rights training for legal practitioners and community development workers for over a decade (*RRRT website*).⁴ In 2005 the Office of the United Nations High Commissioner for Human Rights established a Regional Office for the Pacific Region in Fiji.

Not undermining the efforts of the various bodies involved in work there is still evidence that more can be done in this area. While it seems that many people are aware of a generic concept of human rights, not all are familiar

with the specific human rights instruments related to these areas nor their countries' obligations and commitments. A clear challenge for human rights education is related to providing a more specific approach to human rights education rather than a general awareness of rights.

In 2005, I surveyed 126 students on matters relating to human rights. All students were enrolled in political science and sociology courses. Participants in the survey were from a number of countries in the region (Fiji, Niue, Tonga, Samoa, Kiribati, Solomon Islands, Vanuatu) and were studying at differing levels (100, 200, 300). The survey was intended to be a pilot study to gauge the viability of further studies in the area but it can be argued that the results on knowledge and awareness of human rights mechanisms are of key interest to those interested in human rights education. Already noted is that all constitutions in the USP region contain human rights provisions. Of the students surveyed, just over three quarters (76%) were aware that this was the case. Similar results were revealed for the international instruments.

Results for the key instruments were not surprising—over 80% of respondents had 'heard' of the UDHR, ICCPR, and ICESCR. What was of particular interest, however, were the responses related to CEDAW, the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of all forms of Racial Discrimination (CERD). As a result of educational work undertaken by UNIFEM and a variety of women's NGOs around the region, it is perhaps not surprising that approximately 85% of respondents had heard of CEDAW. A higher percentage of respondents were familiar with CEDAW than with the Universal Declaration of Human Rights (82%). Both CRC and CERD received lower levels of recognition (approximately 75% and 70% respectively). One of the concerns about this (for the relevant governments and UN agencies/NGOs) is that all of the USP member countries are a party to CRC and three countries represented in the survey group (Fiji, Solomon Islands, Tonga) have agreed to CERD. Also of concern, given the emphasis that has been placed on promoting human rights in Pacific Island countries (Anderson 2005), is the fact that 18% of respondents claimed not to have heard of the Universal Declaration of Human Rights and similar figures were revealed for each of the major conventions, 25% claiming not to have heard of CRC.

Academic advances: passive and active inclusion

While the results for the 2005 survey were largely positive, it remains clear that a number of university students were not aware of key instruments or the provisions of their constitutions (a concern not only for human rights educators but civics instructors as well). To date, no widespread study covering the views and awareness of citizens of individual countries has been undertaken. This is an area that can be pursued. Assessment is an important part of education and it would be useful for human rights educators if larger studies could be undertaken to establish exactly what the needs are within the area (if any).

This, of course, is not the responsibility of any one group or individual in society. Human rights education is, of course, a broad field and an area which is covered by members of civil society and international organisations around the region. But it is an area that can be tackled at a variety of levels, ideally cooperating with one another to ensure maximum coverage and reduced overlap. There have been concerted efforts by individual groups to work together on key issues (e.g. Fiji's NGO Coalition on Human Rights), but a multilateral approach which includes a variety of interested parties (and perhaps united by a Pacific Centre for Human Rights or similar coordinating body) may help with communication on such matters. As it is, it is often the academic advances that seem to be overlooked.

On the academic front there have been many attempts to increase the profile of human rights education in the region. This has resulted in the aforementioned Civic and Human Rights Education project and the proposal for the creation of a Pacific Centre for Human Rights (Wickliffe 1999). Recently a call for the formation of a Human Rights Study Group at USP was put forward by Professor Graham Hassall of PIAS-DG.

The broad theme of human rights is currently well entrenched in the curriculum of many courses at USP and the topics are discussed on both an explicit and implicit level. Aside from the third year level 'Human Rights' course, the School of Law (based in Vanuatu) teaches other courses which cover issues pertinent to human rights. At the Laucala Campus, topics related to human

rights are addressed in a range of courses, including those offered by the Departments of History and Politics, Sociology, Education, and Geography.

In specific regard to the History and Politics Department there are many courses in which Human Rights issues are addressed. The third year course *Advanced Pacific Politics* (of which I was the coordinator) contains a three week module on human rights which serves as an introduction to the key issues and establishes exactly what are, and are not, considered to be human rights within the international framework. It considers the issue of legitimacy, practical approaches and the appropriateness of 'external' values for Pacific Island communities. The course delves into the discourse between the 'universalist' and 'cultural relativist' approaches to human rights with the purpose of assessing if a collective 'Pacific values' paradigm is viable. The ongoing debate regarding 'individual' and 'collective' rights as they apply in the Pacific is assessed. There is a focus on the international instruments of human rights and their applicability in the Pacific Island region. Critiquing the issue of group rights as they apply to minorities (in their various forms) and identified groups, the possibility that many of the large conflicts in the region stem from the conundrum of 'contending' rights is also considered. Students are able to explore human rights for their major research project.

As of 2006 the course will no longer be offered. In its place will be HP212: *Pacific Government and Politics in the Pacific II*. This course covers areas of domestic, regional and international politics concerning Pacific Island states and territories but much of the focus relates to the position of Pacific Island states in international affairs. The three week module on human rights has been retained.

SE 201 *Women in Society* is another course which addresses the notion of human rights, particularly as they affect women. In 2006, due to Faculty restructuring, this will become a 300 level course, *Women, Politics and Society*. Taught by Dr Rae Nicholl of the History and Politics Department, the course has an international focus but students are encouraged to assess how these issues affect women in the Pacific. Areas focused on include 'second wave' feminism and the articulation of women's rights; United Nations documents and conventions relating to women's rights; CEDAW regarding all its articles

but particularly looking at women and work; the Beijing Platform for Action; United Nations conventions regarding prostitution and trafficking in women; and United Nations and World Health Organisation conventions regarding women's reproductive rights.

Other courses offered by History and Politics staff also contain human rights content. For example, both of Dr Sandra Tarte's undergraduate courses, HP207 *International Politics* and HP302 *International Politics of Asia and the Pacific* (formerly *The Politics of the Pacific Rim*) consider human rights questions. The HP207 course teaches students about human rights law and humanitarian intervention while HP302 addresses human rights and the Asian values debate. HP 204 *Media Politics*—also taught by Dr. Nicholl—assesses key issues relating to the media and rights. Topics include the right to freedom of speech, assembly and of the press in various nations; international conventions regarding the safety of journalists working in war zones and CEDAW articles regarding women and the media. In 2003, the course HP101 *Government and Public Policy in the South Pacific* was revised and is now called *Pacific Government and Politics I*. It incorporates the teaching of human rights from the perspective of international agreements/obligations of USP member countries in regard to broad policy areas such as health, education, water, sanitation, security and basic freedoms. The human rights content is now focused on the provisions within each state's constitution as well as a brief overview of international obligations. A course focusing specifically on human rights has been drafted but not yet implemented.

Concluding note

The need for human rights education across the region has been recognised in both academic debates and the development of curriculum which meets this need. In this regard, the countries of the USP region share a common interest with countries of other regions. Past experience teaching Australian and American students has revealed that they, too, are equally vague on the specifics of human rights (particularly in relation to instruments and mechanisms). Human rights education needs to be approached from a multi-disciplinary perspective and at a variety of levels. Often in human rights debates, the issues are generalised and people refer to 'rights' without making

note of which specific rights they are referring to. The United Nations itself, through its many conventions and declarations, acknowledges that rights are multi-faceted and that there is some overlap. The Department of History and Politics is one of several bodies throughout the Pacific that is working in this area. However, there are many other issues which are also of value to our student's educational and employment needs.

As a result of the all too often narrow or simplistic reviews of human rights, HR education for the region as a whole can only eventuate if the approach is congruent with the complex nature of rights. A broad interpretation of human rights is required, with the issues being discussed at a variety of levels and tackled by numerous organisations. One way of helping to strengthen education in this area is to revisit the idea of a Pacific Centre for Human Rights. Such a Centre could act as a coordinating body, providing advice to non-government and government bodies, as well as educational centres, while also undertaking research and producing reports for the region at large. Creating a central body would make it possible to meet the multi-lateral approach advocated in this paper (without burdening any one organisation or department) and move forward with human rights education in the region.

Notes

1. Such an assertion is justified by observation of assignments submitted in students. While a variety of topics is offered for essay writing, significant numbers of students choose to respond to those related to human rights. For an overview of student awareness of nation/international mechanisms and views on human rights, please refer to: Anderson, K. 2005. *Reorienting Human Rights*. This conference paper was presented in December 2005 for PIPSA (Pacific Island Political Science Association), Suva, Fiji.
2. All USP member constitutions are available online via the USP Pacific Laws Project website; <http://www.vanuatu.usp.ac.fj/paclawmat/Paclawmat_MAIN.html>, with the exception of Tokelau's which is currently available on the Council of Ongoing Government website <<http://www.tokelau.org.nz>>
3. *Constitution of the Marshall Islands* (1979) Article 10 – 'Traditional Rights'; *Constitution of the Republic of the Fiji Islands* (1997) – 'Group Rights' (as specifically contained in acts pertaining to Fijians, Rotumans and Banabans); *The Constitution of Kiribati* – 'Banaba and the Banabans'.
4. 'Training and advocacy' *RRRT website* (available online) <http://www.rrrt.org/page.asp?active_page_id=88>, consulted on 14th January 2006.

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