

STRATEGIES FOR THE FUTURE: PROTECTING HUMAN RIGHTS IN THE PACIFIC, APIA, SAMOA, 27-29 APRIL 2008 FINAL STATEMENT

I INTRODUCTION

Representatives of civil society organisations, National Human Rights Institutions and international human rights organisations, Members of Parliament, jurists and academics based in Federated States of Micronesia, Papua New Guinea, Samoa, Fiji, Tonga, Vanuatu, Kiribati, Australia, New Zealand, Chile, and the United Kingdom met in Apia, Samoa on 28 and 29 April 2008 to consider Strategies for the Future: Protecting Human Rights in the Pacific.

The aim of the conference was to identify (a) key human rights challenges in the Pacific and (b) strategies for strengthening national, regional and international mechanisms for enhanced protection of human rights in the region.

The Symposium was joined by representatives from the Pacific Island Forum Secretariat, RRRT, the UN Office of the High Commissioner for Human Rights Regional Office for the Pacific, the Asia Pacific Forum, the Commonwealth Secretariat, and the Pacific Island Police Commissioners. They were joined by officials of the Government of Samoa including inter alia, officials from the Attorney-General's Office, Foreign Affairs, Parliamentary Counsel Office and the Office of the Ombudsman.

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The participants acknowledge the organisational and administrative assistance of INTERIGHTS, the Attorney-General's Office of Samoa, and the New Zealand Centre for Public Law (Victoria University of Wellington).

The Symposium discussed presentations from the Pacific region focussing on country reports prepared by participants from a number of Pacific Island states, in particular concerning culture and language, education, health, environment, and the rule of law. The participants were also presented with papers exploring the concept of a Pacific human rights mechanism and a Pacific Human Rights Commission. Those discussions were supplemented by presentations in regard to regional mechanisms in Africa, Asia, the Americas, and in Europe.

II PACIFIC HUMAN RIGHTS CONTEXT

In line with the presentations and following discussions, participants noted the current context of human rights in the Pacific:

The need to strengthen mechanisms in the region

- The significant steps that have been taken by Pacific Island states, most notably in the Pacific Plan of 2005, in committing themselves to protecting human rights, the rule of law, good governance and sustainable development;
- The relatively low level of UN treaty ratification by Pacific Island states, and therefore welcoming the recent ratifications by Samoa and Vanuatu of the International Covenant on Civil and Political Rights ('the ICCPR');
- The potential value of a regional human rights charter and mechanism that reflects the human rights concerns and priorities of the Pacific region in advancing rights promotion and protection whilst not derogating from universal standards.

Reconciling Pacific values with universal standards

- Human rights is not a concept which is foreign to the Pacific where most countries possess constitutions already containing bills of rights;
- The rights enshrined in the Universal Declaration of Human Rights provide a baseline which should not be weakened or derogated from but be complemented by rights particular to the Pacific region;
- There are common core values in the Pacific region that have a deep and historic significance, for example, tradition and culture, such as Samoa's *matai* system. These values can and should be accommodated with universal human rights standards to ensure that effective rights protection is guaranteed for all without discrimination;
- There are certain rights that have a particular significance for the people of the Pacific Islands (for example, the right to a quality environment) that should be reflected in any regional instrument and which, in addition, provide the opportunity to advance human rights internationally in these areas.

The impact of:

- Climate change in the region;
- Economic globalisation on the Pacific island nations and its significance for effective human rights protection;
- Civil unrest in national states and on the region.

The need for:

- Judicial independence and to uphold the rule of law;
- Increased human rights training throughout the Pacific, including specifically on the application of international human rights conventions at the national level;
- Civil society, at both the national and community level, to play a central role in advancing human rights through enhanced cooperation with both governmental and inter-governmental institutions;
- Adequate resources for small island states to be able to guarantee the enjoyment of rights for all of their people without discrimination;
- More effective national mechanisms for the promotion and protection of human rights;
- More legal resources focusing on human rights issues specific to the Pacific region.

III THE PARTICIPANTS PARTICULARLY WELCOME

- Samoa's and Vanuatu's recent ratification of the ICCPR;
- Samoa's commitment, as stated by Samoa's Prime Minister on 29 May 2008, to continue ratifying international human right conventions;
- The commitment of the Attorney-General of Samoa to establish a Samoan Human Rights Commission.

IV RECOMMENDATIONS

Participants recommended that to further promote and protect human rights in the Pacific the following action should be taken:

Pacific Island governments to:

- Translate commitments in the Pacific Plan into practical action by demonstrating the necessary political will to develop a regional human rights mechanism;
- Actively support the work of the proposed human rights desk in the Pacific Islands Forum;
- Continue the dialogue on national institutions for Pacific island nations and to support and encourage those Pacific States that have not yet done so to establish them.

Pacific Islands Forum and SPC to:

- Embrace the need for a regional human rights mechanism and, in cooperation with civil society, to start working on its conceptualisation, including to enhance the capacity to advance human rights;
- In particular, establish without delay a working group of regional stakeholders to carry out further work on the elaboration of a Pacific Human Rights regional mechanism.

Furthermore, to establish a reference group composed of both Pacific Island human rights activists and international and regional human rights experts to be consulted by the working group;

- With the working group, draft a proposal in regard to a regional human rights mechanism and to submit the proposal to the Pacific Island Leaders' meeting in August 2009.

The international community to:

- Provide concrete and tangible support and resources to enable Pacific Island governments to better comply with their human rights commitments, especially in international human rights system;
- Actively support the work of civil society in advancing human rights protection and in particular in the creation of a regional human rights mechanism;
- Encourage the UN Office of the High Commissioner for Human Rights, through its regional office, to fully support the establishment of a Pacific regional human rights mechanism.

Civil society to:

- Collaborate on developing practical and innovative solutions to advancing enhanced human rights protection and promotion at the regional, national and community level;
- Explore in more depth key human rights issues in the region, for example, the intersection of custom/tradition and human rights and the right to a quality environment.