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From a 'cultural logic' to an 'institutional logic': The politics of human rights in Pacific Island Countries

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ABSTRACT

This article examines the politics of human rights in Pacific Island Countries (PICs). It expands the focus from “culture” to “institutions” to analyze how PICs have engaged with the international human rights regime. We reveal that although the Pacific Island Countries have ratified more international human rights treaties and engaged proactively with the international human rights regime in recent years, this shift has not substantially led to accountability necessary to protect, respect, and promote human rights. To unpack this contradiction, we propose an analytical approach, what we call, an “institutional logic.” Using the institutional logic, we argue that the current situation of human rights in PICs is primarily determined by the presence or absence of necessary institutional arrangements pertaining to rights. Thus, we conclude by suggesting that significant institutional reforms are indispensable for protecting and promoting human rights in PICs.

Introduction

This article examines the politics of human rights in Pacific Island Countries (PICs)¹. Human rights are universally recognized systems of contemporary values based on the principles of dignity, equality, and mutual respect shared across cultures, religions, and philosophies (Kennedy, 2012). However, in PICs, universally acclaimed values, norms, and principles of human rights are often contested by cultural relativist views, which define rights primarily with reference to cultural norms, values, and practices (see Castellino & Keane, 2009; Farran, 2009; Olowu, 2006; Walker, 2011). Although culturally sensitive and locally driven notions of human rights are common in PICs, a consensus is lacking on how rights are defined, upheld, and protected across cultures and societies (Farran, 2009). Indeed, in many societies across PICs, the term *rights* itself does not readily translate into local languages. As a result, there are various interpretations of what rights are and how they should be upheld, which make the human rights discourse in PICs not only culturally sensitive but also politically contentious.

One aspect of the politics of human rights in PICs is the perception that the international human rights regime² is a Western discourse; its emphasis on universalism is insensitive to how cultural practices and values influence and define human rights (Walker, 2011). For instance, certain rights pertaining to family and marriage are deeply ingrained in cultural practices and customs in PICs, which may not sit comfortably with the individualistic notion of human rights in the Western world (Wilson & Hunt, 2000). Moreover, several studies have pointed out that the

interplay between culture, religion, and indigeneity shape political leadership, state–society relations, state policies, and formal and informal social and political institutions (see Baird, 2011; Farran, 2009; Walker, 2011). Thus, it is apparent that cultural narratives influence how PICs respond to and engage with the international human rights regime. The seemingly incongruent, and often contradictory, positioning of culture and human right, as narrated through a cultural logic, is presented as one of the factors to explain why political, religious, and indigenous leaders in PICs have been reluctant to engage with the international human rights regime.

In this article, we contend that, although the cultural logic of human rights—with culture being a primary reference to define human rights as seen in the cultural relativist tradition (see Donnelly, 1984)—provides a useful lens to contextualize human rights in PICs, we need to expand the focus beyond the cultural realm to understand the contemporary discourse of human rights in the Pacific. Instead, here we propose to focus on institutional dimensions to account for the politics of human rights in PICs. Accordingly, we develop an “institutional logic” that aims to understand formal institutions’ roles in understanding and to analyze institutional constraints and capabilities pertaining to human rights.³ We argue that the current situation of human rights in PICs and the extent to which the governments are accountable for rights are conditioned by the presence or absence of human rights-related institutional arrangements at national and regional levels.

Our analytical approach draws on the institutional theory in social sciences. This theory postulates that social and political behaviors are shaped by structures such as norms, rules, institutions, institutional culture, and routines (Scott, 2004). In a highly interconnected and interdependent world, global governance structures and institutions determine nation-states’ behaviors and actions (Meyer, 2009). Some have argued that institutional pressures on states are also hegemonic and oppressive, especially to states with little voice and power in the regional and global arenas (Cerny, 2008; Morton, 2003; Naidu, 2019; Plehwe et al., 2007). Nonetheless, nation-states that escape rules and norms set by those institutions and structures are highly likely to face a legitimacy crisis. The international human rights regime is one such arena where institutional arrangements at various levels, such as international human rights treaties and national human rights institutions, place states under pressure to cooperate and comply with human rights-related rules, norms, and values (Clapham, 2006; Meyer, 2009). In this context, an institutional analysis is useful to explain how the presence or absence of institutional setups and arrangements determine the conditions, capacities, and limitations of PICs for respecting, protecting, and promoting human rights.

Our findings suggest that, recently, PICs have become increasingly pressured to systematically engage with the international human rights mechanisms, for which they need formal institutions in place. Those PICs which have such a mechanism or institution in place or are likely to develop one have had increased ratification and accession to the core international human rights treaties. The Marshall Islands, Samoa, and Fiji have demonstrated this. However, this incremental progress is unmatched by the improvements in internal legal and institutional changes and reforms deemed necessary to realize human rights. Hence, we argue that, without appreciating PICs’ institutional limitations and capabilities, an emphasis on the cultural logic of rights alone presents cultural discourses antithetical to human rights. We conclude by suggesting that significant institutional changes and arrangements are essential to improve human rights in PICs.

We recognize that formal institutions matter for human rights in countries and regions around the world. Nevertheless, our article exclusively engages with the countries from the Pacific Islands because, despite cultural differences, PICs as a region present a homogeneous unit of analysis. Moreover, given that most of the PICs have been relatively slow in engaging with the international human rights regime, an analysis of their human rights situation from an institutional perspective addresses this lacuna in the literature.

The cultural logic of human rights: A critical reflection in the PICs

Culture (or “custom”) and tradition create powerful narratives and counternarratives that interrogate and shape the discourse of politics, social, and political power relations, development, and rights in PICs (Farran, 2009). One line of argument often put forward by the proponents of political and economic liberalism suggests, albeit arguably, that culture and tradition negatively influence economic development, governance, and democracy in PICs (see Baldacchino, 2005; Huffer, 2017). For instance, Fukuyama (2008) argued that cultural aspects of the *wantok* system contribute to poor governance, instability, and poor economic development in the Solomon Islands. In a similar vein, seeing customary land tenure as a barrier to development, some have argued for the formalization of customary land through the registration process without realizing that this is a process of land alienation and dispossession (Gosarevski et al., 2004). Indeed, the lack of an appreciation of the *wantok* system’s positive contributions as a social “safety net” that provides livelihood guarantees to a majority of the population more than the modern economic system is counterproductive. The countercultural narratives of development legitimize external hegemony and domination (Naidu, 2019) and erode cultural and traditional values and practices in PICs (Hooper, 2005).

This argument also applies to the international human rights regime. Pacific people see rights as integral to their place and identity; in other words, rights are not seen as separate from a place, identity, and culture (Farran, 2009, p. 102). Farran pointed out that one’s association to family, village, or tribal units is significant in formulating an individual and collective identity. The effects of collective social units (e.g., tribe and indigeneity) on social identity formation mean that one’s collective identity often precedes an individual identity. The social, economic, and political orders are significantly shaped by collectivism rather than individualism in PICs. Thus, the meaning of rights in this context contradicts the idea of individualism attached to human rights, and there is also a culturally sensitive view that preserving groups’ rights may be more important than the freedom of individual expression (Walker, 2011).

Thaman (2000) observed that it has been part of the culture in many PICs where societies have long recognized collective rights of groups and have traditionally protected individual rights in the groups’ context. The tendency to define rights through a cultural lens also means that there is a great deal of discord between the individualistic Western viewpoint and the South Pacific approach to human rights (Walker, 2011, p. 226). The realm of collectivism and collective identity formation in which the international human rights regime emphasizes individualism has tensions with how rights are perceived across the Pacific. The Western conception of human rights is also contested by arguing that PICs already have Bills of Rights and existing legal systems and customary laws that protect most fundamental civil and political rights (Castellino & Keane, 2009; Farran, 2009; Jalal, 2008). Recognizing the centrality of culture in political discourses, many have deployed a cultural relativist approach to analyze human rights situations in PICs (see Farran, 2009; Olowu, 2006).

A strong emphasis on culture in understanding rights can, however, be contested. First, although culture is significant in defining the application of human rights in PICs, an excessive emphasis on culture as a principal determinant of rights misses the point that culture is not, by any means, a homogeneous and static concept. Because of considerable cultural diversity in the Melanesian (Papua New Guinea (PNG), Fiji, the Solomon Islands, and Vanuatu), Polynesian (Tonga, Samoa and Tuvalu), and Micronesian (Palau, Micronesia, the Marshall Islands, Kiribati and Nauru) countries, rights are interpreted somewhat differently across the cultures.⁴

Second, if we present a cultural discourse to counter the human rights regime, it can legitimize external attacks on culture and unwanted interventions in the name of rights and democracy (Agnew, 2005). Furthermore, such a generalization is simplistic because cultures can provide discrete reinterpretations to define rights; therefore, culturally-driven definitions of rights and how these rights are acted upon often do not neatly fit how rights are defined universally. In other

words, cultural logics of rights are incongruent with the universalistic notion of rights. For instance, in some societies, a child's rights are respected, but integral to developing a child into a good, law-abiding citizen is discipline that may involve some form of corporal punishment linked to behavior correction (Schluter et al., 2007). Pereira (2010) has argued, there is a place for reasonable physical discipline as a form of responsible parenting rather than child abuse in Samoa.

Finally, if we excessively consider culture to account for the human rights situation in PICs, we create a cultural hierarchy at a global scale in the name of exposing human rights violations. Thus, the real challenge for human rights advocates and activists in PICs is to find a balance between cultural values and rights. Expressed differently, it must be ensured that the interpretations of rights are congruent with the minimum standards of values, norms, and principles of human rights to prevent misappropriation of culture for defending rights violations.

One possible way of mitigating this gap requires us to shift the analytical focus to the institutional aspects of human rights, while appreciating the place of culture in defining and understanding rights. To elaborate on this argument, we analyze human rights-related institutions' roles through an approach, what we call an institutional logic. By using the term *institution*, we refer to formal mechanisms such as National Human Rights Institutions (NHRIs), national women's commission, disability commission, and the judicial system. These institutional mechanisms are crucial for a state's accountability in respecting, promoting, and fulfilling human rights. In particular, we analyze three types of institutions: "National human rights institutions", "national mechanisms for reporting and follow-ups (NMRFs)", and "legal and administrative reforms and institutional change".

By adopting an institutional logic, we do not entirely reject the role of culture in shaping human rights discourse in PICs. We do so partly because culture impacts on social and political power relations (Walker, 2011), which in turn influence how and what kinds of formal institutions are put into place to regulate state power and facilitate state–society relations. However, this article focuses mainly on the surprisingly understudied institutional aspect of human rights in PICs. Before applying the institutional logic in our analysis, we begin by providing a brief analysis of the current situation of human rights in PICs.

The situation of human rights in the Pacific

The sociopolitical context in the PICs

Because the idea of human rights is central to the nature of modern state systems, any discussion about human rights in a given country or region must start with an overview of the history of modern state formation, particularly in the postcolonial era. Compared to other regions globally, the decolonization of PICs began late, starting from the 1960s and continuing until the 1990s.⁵ Since then, PICs have gone through different postcolonial state formation stages, particularly in consolidating democratic institutions and reorganizing state–society relations within the nation-state's modern concept.

PICs are small Island Developing States with poorly performing economies, where most people today live under subsistence economies, mostly operating in the informal and gig economy, although Fiji may be an exception. The physical settings also constrain economic opportunities, as PICs are spread across small and remote islands. Thus, it presents a daunting challenge for delivering public services and development, which ultimately impacts how the states allocate public resources to set up formal bureaucratic institutions (we will return to this point later).

Most PICs can be considered democracies, based on competitive elections between governments; separation of power between legislative, judiciary, and administrative bodies; and functional governments. However, Fiji may be an exception, with its history of frequent military *coups* that have resulted in violations of civil and political rights and freedom (Bhim, 2019). Although postcolonial state formation in PICs has followed the conception of modern nation-

state based on the idea of Western liberal democracy and secularism, the newly formed bureaucratic states have tensions with traditional power and leadership modes. Indeed, culture and religion also have a role to play in the tensions. Samoa, for instance, is constitutionally a Christian country. In Tuvalu, although the constitution respects and protects religious freedom, it also establishes Tuvalu as an “independent state based on Christian principles, the Rule of Law and Tuvaluan custom and tradition,” which creates a legitimate condition for the authorities to regulate and restrict religious freedom.⁶ In Samoa, only people with the *matai* (chiefly) titles can be political candidates and, therefore, members of parliament, whereas nine members in the Tongan parliament are nobles elected only by 33 nobles in the island kingdom.

PICs still suffer from the colonial history of rights violation. From the mid-1940s until 1996, the United States, the United Kingdom, and France used the Pacific Islands to develop and test nuclear weapons on land (Firth, 1987; Griffen et al., 2020). The United States used the Marshall Islands to test atomic and hydrogen bombs from 1946 to 1958. The United Kingdom conducted nuclear tests on Kiritimati and Malden islands in present-day Kiribati and Tuvalu. France conducted a total of 193 nuclear tests in Maohi Nui (Tahiti) over 30 years, between 1966 to 1996 (Griffen et al., 2020, pp. 325–326). As a result, many PICs today continue to suffer from the legacy of human rights violations during the colonial era, with lasting adverse effects on their environment, public health, economy, and well-being (Danielsson, 1990; Thakur, 2016).

Since the beginning of the 2000s, economically influential and industrialized countries have exploited natural resources such as timber, fish, gold, and other minerals, resulting in devastating losses of livelihoods and environmental security (Colbert, 2018). The exploitation points to the “resource curse” in the Pacific Islands, leading to their donor dependency. Although the former colonizers—Australia, New Zealand, the United States, and France—are the most prominent donors of development assistance, the rise of China (also Taiwan) is gradually altering the donor landscape and geopolitical balance (Firth, 2013; Wilkins, 2010; Yang, 2009), and the state of Pacific diplomacy (Fry & Tarte, 2015). Some have even argued that with rapid globalization, capitalism, and neoliberalism, PICs have become victims of neocolonization and recolonization (Bargh, 2002; Kelsey, 2004; Pettman, 1977). With this historical and sociopolitical context, we now turn to examine how PICs have responded to and engaged with the international human rights regime.

Voluntary commitments to human rights by the PICs

At the end of the Cold War, PICs began to respond to the liberal world order by registering their commitment to human rights and democracy. However, the liberal values associated with human rights, democracy, and governance were new to most societies in PICs, which were traditionally organized with power distributed through indigenous social systems, structures and cultural networks (Naidu, 2000). Because the preexisting forms of polity and society were not conducive to modern democratic norms, the institutionalization of the Western concepts of human rights, multiculturalism, transparency, and accountability remained a significant challenge to democratic transition and state formation in PICs (Naidu, 2000, p. 65). Human rights remained an elusive, if not ignored, agenda within the tensions of postcolonial state formation.

Nonetheless, since the late 1980s and early 1990s, some PICs have begun to respond to the international human rights regime by ratifying or acceding to the core international human rights treaties. In the 1980s and 1990s, the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) were the most common human rights treaties ratified by PICs (see Table 1). Voluntary commitment to human rights by PICs increased considerably in the 1990s and early 2000s.

The newly emerging discourse of a rights-based approach to development underpinning the changing landscape of foreign aid and development assistance in the post-Cold War era explains

Table 1. Ratification of core human rights conventions by PICs.

International conventions	State party (by ratification or accession)	Total
International Convention on the Elimination of All Forms of Racial Discrimination (CERD) (1969)	Fiji (1973), PNG (1982), Solomon Islands (1982), the Marshall Islands (2019)	4
International Covenant on Civil and Political Rights (ICCPR) (1976)	Samoa (2008), Vanuatu (2008), Fiji (2018), the Marshall Islands (2018), Papua New Guinea (2008)	5
Optional Protocol the International Covenant on Civil and Political Rights (1976)		0
Second Optional Protocol the International Covenant on Civil and Political Rights (1991)		0
International Covenant on Economic, Social and Cultural Rights (ICESCR) (1976)	Solomon Islands (1982), PNG (2008), Fiji (2018), the Marshall Islands (2018)	4
Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (2013)		0
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1981)	Cook Islands (1981), Samoa (1992), Fiji (1995), PNG (1995), Vanuatu (1995), Tuvalu (1999), Solomon Islands (2002), Kiribati (2004), Micronesia (2004),	9
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (2000)	Cook Islands (2007), Solomon Islands (2002), Vanuatu (2007),	3
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (1987)	Nauru (2011), Vanuatu (2011), Fiji (2016), Kiribati (2019), Samoa (2019)	5
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2006)	Nauru (2013)	1
Convention on the Rights of the Child (CRC) (1990)	Fiji (1993), Micronesia (1993), PNG (1993), Vanuatu (1993), Samoa (1994), Kiribati (1995), Niue (1995), Palau (1995), Solomon Islands (1995), Tuvalu (1995)	10
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2002)	Vanuatu (2007), Federated States of Micronesia (2012), Kiribati (2015), the Marshall Islands (2019)	4
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2002)	Vanuatu (2007), Federated States of Micronesia (2015), Kiribati (2015),	3
Optional Protocol to the Convention on the Rights of the Child on a communication procedure (2014)	Samoa (2016), the Marshall Islands (2019)	2
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CPMW) (2003)	Fiji (2019)	1
International Convention for the Protection of all Persons from Enforced Disappearance (ICPPED) (2010)	Samoa (2010), Fiji (2019)	2
Convention on the Rights of Persons with Disabilities (CRPD) (2008)	Cook Islands (2008), Vanuatu (2011), Nauru (2012), Kiribati (2013), Palau (2013), PNG (2013), Tuvalu (2013), Federated States of Micronesia (2016), Fiji (2017)	9
Optional Protocol to the Convention on the Rights of Persons with Disabilities (2008)	Cook Islands (2009), Palau (2013)	2

Note. Compiled by the authors, January 2021.

how PICs began to respond to the international human rights discourses. As PICs are significantly dependent on foreign aid from Australia, New Zealand, the United States, the United Kingdom, France, Japan, and European Union (and, most recently, China and Taiwan), the liberal aid paradigm stimulated human rights consciousness as part of the aid delivery system. Western donors have subsequently pressurized PICs to engage with the international human rights instruments in order to qualify for international development assistance.

As of January 2021, the CRC, the CEDAW, and the Convention on the Rights of Persons with Disabilities (CRPD) are the three most ratified human rights conventions in PICs, followed by the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against

Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT; see [Table 1](#)). There is a slightly renewed interest by PICs to ratify the ICCPR and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), also known as the “Bill of Rights,” together with the Universal Declaration of Human Rights. Only Samoa, Vanuatu, Papua New Guinea, the Marshall Islands and Fiji have acceded to the ICCPR. Only the Solomon Islands, Papua New Guinea, Fiji, and the Marshall Islands are a party to the ICESCR. The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CPMW) is the least ratified treaty in PICs. In this regard, a prevailing argument is that, because most PICs are not migrant-receiving countries (Fiji could be an exception, though), they consider the CPMW less significant to their context. Moreover, in culturally bounded societies in PICs, multiculturalism, which often results from international migration, is also an alien concept (Naidu, 2000); hence, the rights related to migration and multiculturalism have not yet gained much attention in PICs.

When it comes to the ICCPR and ICESCR, Pacific Islands leaders often argue that civil and political rights are already guaranteed under their constitutions and other domestic laws, including customary laws. Therefore, these rights can be guaranteed without ratifying or becoming a party to the ICCPR and ICESCR. However, this defensive argument disregards the view that human rights are interdependent; the extent to which civil and political rights are guaranteed eventually determines how far we can respect, protect, and fulfill other forms of rights. For instance, without ensuring the right to education, the right to participate in public affairs becomes redundant. Similarly, the freedom of opinion and expression contributes to civic engagement in formulating inclusive social policies, which, in turn, support fighting poverty, marginalization, and exclusion.

The low ratification of the core international human rights treaties in PICs has met with inadequate national legislation and policies necessary to implement the rights, also known as “domestication” of international instruments. Although the limited domestication of international instruments is a crucial aspect of the institutional gap, such limitation seems to result from limited awareness and resource-related issues pertaining to human rights. For instance, in their interactions with one of the authors, the public officials of some PICs said that the lack of resources is one of the reasons they hesitate ratifying the ICESCR.⁷ However, such a narrative seems ignorant of the fact that, although resources are essential for the realization of all human rights, the ICESCR does not oblige states to fulfill the rights guaranteed under the Covenant overnight. Instead, it requires the states to “take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, to progressively achieve the full realization of the rights” (see Article 2 (1) of ICESCR).

Limited awareness about the ICESCR means that most PICs limit economic, social, and cultural rights as programmatic goals rather than enforceable rights in the national courts. Fiji is the only country in the region that has included economic, social, and cultural rights under the Bill of Rights in its 2013 Constitution, allowing the victims to seek remedy from the courts. However, even in Fiji, there are not many examples of economic, social, and cultural rights adjudicated by the courts other than labor rights.⁸

The 2030 Agenda for Sustainable Development Goals (SDGs), which puts human rights at the center of development, has provided an opportunity for PICs to revisit their progress and challenges about human rights and development. Thus, the current discourse of development, coupled with the growing influence of international human rights norms and standards, has exerted considerable pressure on PICs to engage with the international human rights mechanisms proactively.

Despite their slow response to the international human rights regime in the past, some PICs have been active in expressing their voices in the international arena. For instance, despite Fiji’s record of military *coups* that attracted international criticisms (Carnegie & Tarte, 2018; Khan, 2018), in 2018, Fiji was elected as a member of the UN Human Rights Council (HRC) for a

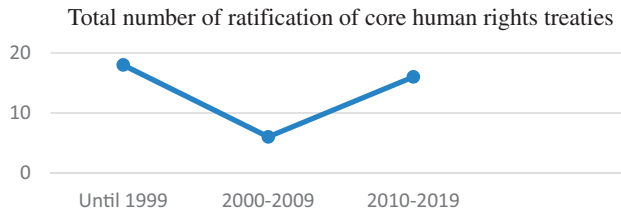


Figure 1. Trends in the ratification of international human rights conventions by PICs (1999–2019).

period of three years (2019–2021). This has prompted Fiji, between 2018 and 2019, to accede to the remaining four core human rights treaties, and the country emerged as the only one in the region to become a party to all the core international human rights treaties. Yet, it must also be noted that Fiji has introduced laws such as the Crimes Act of 2009, the Media Industry Development Act of 2010, and the Online Safety Act of 2018, which can be used to limit civic space, curtail freedom of speech, and take punitive action against dissenting voices.

In October 2019, the Marshall Islands became another PIC to be elected to the Human Rights Council for three years, starting in January 2020. Although there are few signs of PICs taking forefront roles in the international human rights forums, many of them lack political will and resources to enhance their engagement with the international human rights regime. Some PICs, like Tonga and Palau, still have low ratification of the core international human rights treaties, as they are only parties to the CRC and CERD through accession.

As demonstrated in [Figure 1](#), the total number of core international human rights conventions ratified by PICs declined between 2000 and 2009, but increased between 2010 and 2019. This trend invites us to examine the extent to which the increment has remained consistent with the adequate institutional arrangements needed to respect, protect, and fulfill human rights. Expressed differently, what are the institutional capabilities and constraints that explain the current situation of human rights in PICs? This question guides our discussion and analysis in the next sections.

Respect, protect, and fulfill: How does the institutional logic explain the situation of human rights in PICs?

We begin this section by clarifying that a state’s voluntary commitment to ratify international human rights treaties does not necessarily improve the condition of human rights. We elaborate this proposition by identifying and analyzing three institutional factors that determine the current status of human rights in PICs: national human rights institutions, national mechanisms for reporting and follow-up (NMRFs), and legal and administrative reforms and institutional change.

National human rights institutions

National human rights institutions (NHRIs) form the backbone of a human rights protection system at the national level. They are the critical institution to strengthen state accountability under the Paris Principles.⁹ However, as of April 2020, only Samoa, Fiji, and Tuvalu have established NHRIs.

Following the Ombudsman Act’s enactment, Samoa established an NHRI in December 2013, responding to the recommendations made during Samoa’s first Universal Periodic Review (UPR). With the mandate to monitor, protect, and promote human rights, the Samoan NHRI has an “A” status accredited by the Global Alliance of National Human Rights Institutions (GANHRI).¹⁰ Similarly, in December 2017, Tuvalu enacted the NHRI Act, which empowers Tuvalu’s Ombudsman to act as the Chair of the country’s NHRI. Tuvalu’s NHRI can receive complaints,

initiate inquiries into pressing human rights issues, and undertake activities to promote awareness of fundamental human rights. Although the progress is commendable, Tuvalu's NHRI is still nascent.

In Fiji, the Human Rights and Anti-Discrimination Commission (FHRADC) functions as the NHRI, established under the Fiji Human Rights and Anti-Discrimination Decree of 2009 and the 2013 Constitution. Although functioning as a constitutional body, the FHRADC's lack of independence has often been a subject of criticism. Likewise, civil society organizations and human rights fraternities have questioned its credibility (Office of the United Nations High Commissioner for Human Rights, 2019). Indeed, the independence of the FHRADC is crucial to becoming proactive in monitoring and fairly investigating complaints lodged with it. However, since the FHRADC resigned from the Global Alliance of National Human Rights Institution (GANHRI) on April 1, 2007, following the 2006 *coup*, the Commission's accreditation status by GANHRI regarding its performance is not available.

There are institutional arrangements with multiple mandates in other PICs in which human rights are only appended. For instance, in the Cook Islands, an Ombudsman created by the Ombudsman Act 1984 is mandated to receive complaints from the general public concerning government departments' misconduct. However, it is not an NHRI in terms of either mandate or functions. Although the UN Committee on the Elimination of Discrimination Against Women recommended the Cook Islands to establish an independent NHRI following the Paris Principles, progress in this regard has been remarkably limited.

The Committees on the Elimination of Discrimination Against Women and the Rights of the Child have recommended that the Republic of Marshall Islands (RMI) establish an NHRI in compliance with the Paris Principles. A similar recommendation was made during the last UPR sessions of the Human Rights Council in 2015. However, like many other PICs, the RMI is yet to establish an independent NHRI with a broad mandate to protect and promote human rights.

In 2015, during the second cycle of the UPR, Nauru received three recommendations to establish an NHRI. Although Nauru has reportedly begun preliminary discussions with the Ombudsman's Office of the Samoan government over bilateral agreements to secure support for establishing an NHRI, the progress in this regard has been slow due to technical and resource constraints. Palau is no exception, as no independent NHRI exists in the country.

In the Solomon Islands, the Ombudsman Office is responsible for investigating public complaints of government maladministration. In contrast, the Office of the Leadership Code Commission (LCC) investigates misconduct involving Members of Parliament (MPs) or senior civil servants.¹¹ By contrast, Tonga has maintained that establishing a national human rights institution is still not feasible financially or technically.¹²

National mechanisms for reporting and follow-up (NMRFs)

The significance of national mechanisms for reporting and follow-up (NMRFs) concerns the reporting requirements after the ratification of human rights conventions. Although having an NMRF as a coordination body within the government makes it easier to facilitate and coordinate human rights-related reporting, state authorities tend to see NMRFs as an obligation instead of a crucial mechanism to promote accountability. If engaging with the international human rights regime is seen more like a burden than a source of long-term benefits, state authorities prefer to deprioritize such an engagement. Hathaway (2007) made a similar observation that states join treaties like the Convention Against Torture [CAT] in no small part to make themselves look good and to attract more foreign investments, aid donations, international trade, and other tangible benefits. International organizations also encourage ratification by linking treaties with material goals, such as economic aid (Oberdorster, 2008).

We found that material incentives do not necessarily result in investments in NMRFs in resource-poor countries like those in the Pacific. Instead, we noted that reporting fatigue brought on by the ratification of core treaties resulted in incoherent and patchy reporting records. In the Marshall Islands, for instance, a Human Rights Committee was established pursuant to the Human Rights Committee Act of 2015 for coordinating government efforts to report to and follow up on the recommendations of international human rights mechanisms. Yet, the Marshall Islands' track record of reporting has been slow and requires significant strengthening.

In contrast, Samoa's progress has been commendable. It established an NMRF in 2016 following an executive decision. It stepped up its engagement with the UN human rights mechanisms, including meeting its reporting obligations under the treaties to which it is a party. Since its establishment, the NMRF in Samoa has been active in reporting to and engaging with the UN human rights mechanisms, including engaging with the UN Special Procedure mechanisms of the Human Rights Council. However, many other PICs have underutilized such engagement.

In 2014, Kiribati established the National Human Rights Taskforce with a mandate to oversee all ratified human rights conventions, including the coordination of reporting and providing advice on Kiribati's human rights commitments. However, the task force is ill-equipped and under-capacitated to meet reporting obligations and effectively follow up on the treaty bodies and other agencies' recommendations. Palau has a Human Rights Committee, created by Executive Order 368 and mandated to coordinate among government ministries and departments to report and follow up on recommendations of the UN human rights mechanisms. However, we found a continuous gap in terms of local capacities, both human and financial.

In the Solomon Islands, Tonga, Tuvalu, and the Cook Islands, NMRFs are either missing or reporting occurs in an *ad hoc* manner. Vanuatu has a Human Rights Committee that acts as an NMRF. Still, it is short of resources and capacity to deal with the increased reporting obligations and follow-up on international human rights mechanisms' recommendations. The absence of a reliable and dedicated reporting and follow-up mechanisms in these and some other PICs is due to the lack of human, financial, and technical capabilities.

Legal and administrative reforms and institutional change

Legal and administrative reforms are crucial for respecting, protecting, and fulfilling human rights. Such reforms—also known as the “domestication” of international human rights treaties and instruments—highlight governments' commitments and actions to institutionalize human rights protection systems and mechanisms. However, legal and administrative reforms also involve political processes that make human rights a politicized area of engagement.

Some PICs have made notable progress in domesticating international human rights treaties. To align its domestic legal order with international human rights standards, the Marshall Islands' Constitution contains Bill of Rights ranging from freedom of thought, speech, press, religion, assembly, and association¹³ to freedom from slavery and involuntary servitude¹⁴ and the right to a fair trial and due process.¹⁵ The Constitution also provides for equal protection and freedom from discrimination.¹⁶ However, despite these legal and policy reforms, protection and promotion of human rights remain a continuous challenge partly due to the absence of an NHRI and other independent national human rights protection mechanisms.

In 2013, Samoa enacted a Constitutional Amendment Act that provided a quota to increase women's representation in the parliament. It also enacted the Crimes Act in the same year. The Crimes Act increased maximum penalties for various sexual offenses, broadened the definition of rape, and criminalized marital rape. Furthermore, the Family Safety Act of 2013 aims to protect domestic violence victims and introduce protection orders provisions. Similarly, the Labor and Employment Relations Act of 2013 incorporates equality and nondiscrimination in employment legislation and introduces maternity leave in the private sector.

Although these legal reforms are encouraging and in line with international human rights standards, progressive development of human rights in Samoa is also culturally resisted. For example, in Samoa, *Fa'asamoa*—the Samoan way of life—maintains the *status quo* of inequality between men and women. Women in Samoa still feel uneasy speaking out about certain aspects of Samoan tradition for fear of being stigmatized as not being good Samoans or good Christians (see United Nations, 2018). In particular, discussing specific issues, such as sexual and reproductive health, is considered religiously and culturally inappropriate (United Nations, 2018). As a result, reporting culturally sensitive issues, such as torture or gender-based violence, is hampered (United Nations, 2018). Domestic violence often goes unreported due to cultural and unequal power relations between victims and perpetrators (Boodoosingh et al., 2018; Siu-Maliko, 2016). Thus, domestic violence provides an example of how culture can be misappropriated to defend violence and resist institutional reforms to tackle human rights violations.

Tuvalu introduced the Human Rights National Action Plan (2016–2020) to materialize its commitments under the international human rights treaties to which it is a state party. The Action Plan also considers UN Human Rights mechanisms' recommendations, including those related to the UPR process and the Sustainable Development Goals. Tuvalu's development priorities are found in the *Te Kakeega* III (2016–2020), which is the blueprint for the government's action to improve quality of life in the country. However, there remains a considerable gap in implementing these programs and action plans due to the absence of coordination, monitoring, and oversight mechanisms that are responsive and accountable to people they serve.

Fiji's 2013 Constitution includes a comprehensive Bill of Rights and treats civil and political, economic, social, and cultural rights on equal footing. It lays down several laws and policies for the advancement of human rights, such as the Rights of Persons with Disabilities Act 2018, Employment Relation Act (amended in 2016), and 2010 legislation to decriminalize consensual same-sex relationships. It has also introduced a National Gender Policy in 2014 and Relocation Guidelines in 2018. However, comprehensive and objective assessments of the implementation of these legislations and policies are yet to be carried out. Despite a comprehensive catalog of fundamental rights and freedoms, Fiji's 2013 Constitution contains arbitrary conditional provisions that make most of these rights redundant. For example, Section 6 (5) of the Fijian Constitution allows the government to impose limitations on the enjoyment of the rights and freedoms set out under Chapter 2 dealing with the Bill of Rights. Likewise, as Fiji has made several reservations under the Convention Against Torture,¹⁷ it has immensely empowered the security forces and provided them with impunity.

In the Solomon Islands, the Family Protection Act (FPA) of 2014 criminalizes domestic violence in all its forms and protects victims. It empowers the courts, police, and healthcare professionals to help victims access services, such as medical attention and justice.¹⁸ In 2017, the Solomon Islands passed the Child and Family Welfare Act (CFWA, 2017), which focuses on recovery and maintenance due to rape, assault, and other abuses. Another notable progress is that the country's National Development Strategy (NDS) 2016–2035 aims to alleviate poverty and support vulnerable members of society, to increase access to quality health care (including combating malaria, HIV, and noncommunicable diseases), and to provide quality education. It also aims to increase economic growth and equitable distribution of wealth, expedite utility and infrastructure development, and promote effective management of the environment and ecosystems. Similarly, the Labor and Employment Relations Act of 2013 incorporated the principles of equality and nondiscrimination in employment legislation and introduced maternity leave in the private sector. Nonetheless, in the absence of a central coordination and oversight mechanism, these changes are yet to show results in protecting human rights.

Internal and external factors that explain the institutional gaps

Capacities and resources constraints

We found that the institutional gaps discussed above are partly the outcomes of limited, if not lack of, institutional capacities and resource constraints, including human and material resources and capacities. For instance, a senior officer in the Children's Development Division in the Solomon Islands pointed out that the government considers children's issues a "small issue" that does not warrant a big budgetary commitment. As such, staff and financial support to the division are negligible. The Solomon Islands ratified the CRC in 1995, and up until 2002, only three officers were supporting the divisional director. It was only in 2015 when three additional provincial child desk officers were appointed to the department.

Similar to the question of resources, the issue of capacity also remains a significant challenge. The Solomon Islands authorities have struggled to promote the UNCRC partly due to resource constraints. The government's National Children Grant allocated to promote the CRC was and continues to be negligible.¹⁹ We found a similar situation in other PICs, especially Tonga, Vanuatu, Tuvalu, Palau, Niue, and the RMI. Even though resources may be available in some countries, human rights issues are often downplayed in the budgetary priorities due to a host of reasons: lack of political will, the view that engaging with international human rights is a burden, and in some cases the effects of cultural resistance to institutional reforms. For example, in Fiji, the 2019–2020 budget, which was hastily revised in March 2020 amid the COVID-19 crisis, did not allocate a budget for human rights activities by the Fiji Human Rights and Anti-Discrimination Commission (FHRADC).²⁰

What is also notable is that there is a minimal capacity not only with the government but also with civil society. The human capital that specializes in human rights is considerably limited in PICs. The University of the South Pacific in Fiji—the regional and intergovernmental university that caters to the need for tertiary education in the South Pacific—has been delivering human rights education for several years. Yet, the need for human rights education, both academic and practice-based, targeting frontline human rights workers and activists—such as government officials, security personnel, and civil society activists and political leaders—is necessary to enhance human capital suitable to promote human rights awareness and activism in the region.

The lack of human and material capacities provides a disincentive for PICs to engage with the international human rights regime. Despite the long history of development assistance, human capacity promotion has not become a core dimension of development in PICs (Naidu, 2019). As many PICs continue to rely on development aid to run the state apparatus (Dornan & Pryke, 2017), their foreign aid dependency further brings PICs under intense pressure to rationalize their limited resources. Faced with the difficult choice of diverting limited resources from basic service delivery and development, investing in human rights becomes a secondary priority. This view was reflected in several consultations, which revealed a common perception among the authorities that ratification of a human rights treaty increases state obligations, including periodic reporting obligations, for which smaller countries like Tuvalu, Tonga, and Nauru do not have adequate bureaucratic capacity. As a result, the lack of resources and capacities means that PICs have become reluctant to engage with the international human rights regime.

Aid, trade, and human rights

Aid and trade have the potential to support institutional enhancement for human rights. Given that foreign direct investments have increased significantly in mining, construction, and other extractive industries, the question of business and human rights has come to the fore. This raises concerns about how vibrant and functioning national human rights institutions in PICs can

protect and safeguard rights if the infringement arises out of the trade, unfair aid conditions, or development projects launched by bilateral and multinational financial institutions.

Foreign investments in PICs are extractive and, in many cases, have contributed to human rights violations. This point must be contextualized in the recent rush to exploit natural resources such as timber, fish, gold, and ocean-based resources, which has turned PICs into a new theater for geopolitical rivalry and security confrontations (Colbert, 2018). At the heart of this rivalry rests the competition for natural resource extraction by powerful and industrialized countries. The bauxite mining operations on the island of Rennell in the Solomon Islands is a case in point: It has negatively impacted the environment and the ecosystem, and has also exacerbated existing conflict dynamics (Allen, 2018; Fraenkel et al., 2010). In the meantime, when PICs are increasingly advocating for a “blue economy” and sustainable ocean governance, the losses are already irreversible. The environmental impacts and losses undermine Pacific Islanders’ human rights, including their social, economic, political, and environmental rights (see Allen & Porter, 2016; Kakee, 2020).

Although the question of rising power and human rights might warrant a separate analysis, those we consulted expressed their concerns about how the rights-based approach to development has been downplayed while providing development assistance by some new donors. There were particular concerns about how Chinese investments have undermined environmental security and adherence to employees’ human rights in several PICs, especially Fiji, the Solomon Islands, and Vanuatu.

Despite various descriptions and claims over PICs—such as “American lake,” “ANZUS’s backyard,” or other descriptions—with the new “look North” foreign and trade policy change, countries like Fiji become inclined toward new donors such as Indonesia and China. Neither of these donors meaningfully opposed the military *coups* and human rights violations in 2006 in Fiji, for example (Naidu, 2019). Thus, the changing landscape of aid and trade and the emerging new dynamics of security and “dollar diplomacy” are missing the opportunity to create a condition that could motivate PICs to set up and strengthen human rights institutions.

Fragmented regionalism and the question of regional human rights commissions

In the international human rights regime, regionalism is seen as an alternative to redress national institutional deficiencies. This view was reflected in the United Nation’s call in the 1980s to set up regional human rights mechanisms. The call emphasized that states that share similar geography, history, political traditions, and culture are more likely to enjoy a shared understanding of human rights (Smith & van den Anker, 2005). Because a regional human rights mechanism can minimize monitoring and reporting burdens of the resource-scarce states (Jalal, 2009), it would be meaningful to situate the human rights regime within Pacific regionalism.

In 1971, Pacific Island leaders formed the South Pacific Forum. In 2000, this was renamed the Pacific Islands Forum (PIF; in short, the Forum),²¹ as the leading architecture of Pacific regionalism and cooperation. Although human rights were not a significant issue in the formative years of the Forum, since its establishment, it has dealt with various human rights issues such as nuclear testing, sustainable development, disability, climate change, security, and environmental degradation.

Jalal (2009) noted that a regional human rights mechanism in PICs could facilitate a joint articulation of human rights from a regional perspective and enhance compliance and accountability of the resource-poor region. This view was reflected in the Pacific Charter of Human Rights draft, which was presented in Samoa in 1989, initiated by a nongovernment organization called the Law Association for Asia and the South Pacific (LAWASIA; Jalal, 2009). However, the draft Charter failed to garner support from political and civil society leaders, who perceived the Charter as a hegemonic project designed by Australia and New Zealand without sufficient consultations with the Pacific Islanders.

Despite the debacles of regional human rights commissions, a shared understanding of human rights is slowly emerging, partly due to human rights debates and initiatives at the regional level and civil society organizations' activism. The Auckland Declaration of 2004 is an example. In the Auckland Declaration, Forum leaders urged member states to ratify international human rights treaties and proposed setting up a regional Ombudsman and other human rights mechanisms (Hay, 2009). However, surprisingly, in 2007, in its Pacific Plan Progress Report, the Forum advanced the idea of a regional Ombudsman but downplayed the idea of the proposed human rights mechanism for reasons unknown. Some argued that the concerns about the influence of powerful member states such as Australia and New Zealand divide the Forum and make it a venue for endless and, at times, useless discussions dominated by talks rather than actions (Lawson, 2017; Shibuya, 2004).

Since the early 2010s, Pacific regionalism is fragmenting, as illustrated by the formation of the Pacific Islands Development Forum (PIDF), a new regional body inaugurated at an international conference organized and hosted by the Fiji government in August 2013. As Tarte (2015) states, the PIDF was formed in the context of the divided regional politics of development, human rights, and democracy in PICs. Tarte further observed that an underlying agenda of the PIDF was to mobilize the Pacific Islands' endorsement of the Bainimarama government's "roadmap to democracy" in Fiji.²² Fiji's suspension from the PIF, mainly due to violations of human rights and democracy following the 2006 military *coup* by Voreqe Bainimarama, also played a catalyzing role in an alternative forum in which Fiji could articulate its leadership and its vision of "illiberal democracy." Unfortunately, even though the need for a regional human rights mechanism is unquestionable (Hay, 2009), the agenda has been lost in the politics of fragmented regionalism.

In the absence of a regional human rights mechanism, the burden goes back to national governments to consolidate institutional arrangements to prove their compliance and accountability to human rights; yet the resource- and capacity-related issues discussed above are the main obstacles. More importantly, the division within and between regional forums means that Pacific regionalism is yet to make a significant progress to offer incentives in terms of resources and capacities for supporting national institutional reforms necessary to respect, protect, and promote human rights.

The supply side: Prospects and limits of external support

Since as early as the 2000s, several external support mechanisms have become available to the governments in PICs, mainly through the growing presence of multilateral bodies and nongovernment organizations and development agencies. However, the role of external actors and development agencies is fragmented and lacks cohesive responses.

Despite the need to support Pacific Island governments to enhance their capacities to human rights monitoring and reporting, the UN Human Rights Office did not have a physical presence in the Pacific until 2005. The Regional Office of the United Nations High Commissioner for Human Rights (OHCHR) was established in Fiji, covering all PICs, only in 2005. In the last decade or so, there have been more collaborations than before in the areas of human rights promotion and protection. For example, UNICEF, the UNDP Pacific Center, and UN Women have engaged in promoting the implementation of the CRC and CEDAW. The role of the Regional Rights Resource Team (RRRT) of the Secretariat of the Pacific Community is certainly notable. Based in Fiji, the RRRT is one of the prominent and active human rights-focused regional organizations in the Pacific that aims to educate and train people in human rights issues; it has been offering support to the governments and civil society in such areas as treaty reporting and following up on recommendations by treaty bodies. Several NGOs are also delivering training to civil society organizations.

Today, several development agencies have integrated a rights-based approach to development practices that have resulted in greater awareness of human rights in PICs. The roles played by domestic and international agencies in protecting and promoting awareness of human rights is in itself a large area of research and, therefore, needs a separate treatment to understand their impacts particularly in supporting institution building. However, we have made at least three observations in this regard.

First, development agencies' activism and awareness building depend significantly on short-term donor funding, which means their contribution lacks long-term commitments.

Second, despite commendable collaborative efforts by international and local nongovernment agencies in countries like Fiji, the Solomon Islands, Vanuatu, and Samoa, many development agencies do not have enough access and thus the opportunity to engage with government agencies. As a result, they end up engaging mainly with community people at the local level. In some countries like Fiji, development agencies working in the human rights sector are seen negatively as an "opposition" that questions the government's accountability at national and international forums. This kind of political attitude is a primary barrier to collaborations between government and nongovernment agencies.

Finally, and as an effect of the lack of trust between the state and nonstate sectors, development agencies face difficulties in contributing to structural and institutional changes. However, we also observed that unless the external support mechanism is sustainable, and respects and promotes national and local ownership, and national sovereignty, it will barely motivate PIC leaders to collaborate with nongovernment agencies in areas of human rights.

Conclusions

Despite considerable progress made in protecting and promoting human rights in PICs in the last 10 years or so, the question of why PICs have been slow in responding to and engaging with the international human rights regime has remained unattended. Previously studies have rightly considered the role and effect of culture and custom to understand how culture has influenced human rights in PICs. To some extent, the cultural logic is central to the view that the way rights are defined from a cultural lens contradicts the universally acclaimed meaning of human rights. This, in turn, demotivated PIC leaders to engage actively with the international human rights systems and mechanisms. Although we appreciate the influence and effect of culture on human rights, we applied an institutional logic as a new analytical approach. This approach enabled us to understand the politics surrounding why PICs have been slow to ratify core human rights treaties and thus engage with the international human rights regime.

The institutional logic presented here is innovative, as it shifts the focus of the current debate toward the agency of states and the role of governments, and thus places the human rights discourse in PICs within the domain of good governance, democratization, and social change.

We found that the ratification rate of the core international human rights treaties by PICs has increased in the last 10 years. Nevertheless, by contrast, PICs' voluntary commitment has not necessarily resulted in initiating institutional reforms in line with the commitments. At the heart of this mismatch are states' capacity and resources to create and sustain institutional arrangements required to protect and promote human rights. To unpack this argument, we applied an organizational logic with three analytical dimensions: (1) NHRIs, (2) national mechanisms for reporting and follow-up, and (3) legal and administrative reforms as an institutional change. In addition to assessing the progress made against these three key areas, we have critically examined the gaps and the internal and external factors that explain them.

Based on the analysis, we have concluded that improving the human rights situation in PICs requires significant institutional changes. The institutions, particularly the NHRIs, should be fully independent and compliant with the Paris Principles, which can hold the governments and other

actors accountable for their human rights-related action or inaction. When it comes to respecting, protecting, and fulfilling human rights, accountability is one of the critical challenges; it can only be addressed through necessary institutional reforms and changes.

However, initiating institutional reforms and fostering accountability will depend on several factors, including capacities, resources, political will, and the extent to which a new Pacific regionalism and the aid and trade paradigm support these initiatives. Because of the limited resources and capacities in PICs discussed above, external support will be critical—but such support must be approached with caution. A critical matter of caution is “local and national ownership” in initiating any institutional change. If available external support fails to promote ownership, it only creates dependency. Therefore, further research on what increases ownership is desirable. In the meantime, if governments fail to develop political will, necessary institutional reforms will continue to be lost in the politics of human rights in PICs.

Notes

1. The term Pacific Island Countries is used throughout this article to refer to small island countries that are member states of the Pacific Islands Forum. These include the Cook Islands, Fiji Islands, Kiribati, the Marshall Islands, the Federated States of Micronesia, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu.
2. The term *international human rights regime* refers to the system that collectively incorporates philosophy, institutions, agency, decision-making processes, and practices underpinning the current the current discourse of human rights in the world.
3. There are, however, some exceptions. Some studies have attempted to provide an institutional analysis of human rights in PICs. For instance, Natalie Baird (2015) discussed the role of nongovernment organizations and how they have created a favorable institutional environment to promote human rights in PICs. Likewise, a volume edited by Charlesworth and Larking (2014) provided critical discussions asking to what extent the Universal Periodic Review (UPR) process has made a difference in the human rights situation in South Pacific.
4. For instance, rights to land for subsistence across the Pacific can be through either the matrilineal or patrilineal connection. Some communities in PNG have land rights passed through the mother's connection whereas others access these rights through the father's lineal connection. Moreover, Polynesian societies such as those in Samoa and Tonga have leadership rights determined by the *Matai* system and monarchy, respectively, through birth, whereas those in Vanuatu and Solomon Islands may not necessarily have structured leadership hierarchies determined by birth.
5. Except Tonga, all PICs were colonial states. To avoid colonial rule, Tonga chose to become a British protectorate in 1900. Samoa and Fiji became independent states in 1962 and 1970, respectively. Other PICs—such as Nauru, Vanuatu, Marshal Islands, and Palau—were decolonized only in 1968, 1980, 1986, and 1994, respectively.
6. All religious groups in Tuvalu must register with and receive approval from traditional elder councils, called *falekaupule*, to practice a religion publicly. In 2012, the authority banned Jehovah's Witnesses on the recommendation of *falekaupule* (expert consultation by the authors in Suva, Fiji, October 2018).
7. The data, information and analysis used in this paper are based on the first and second authors' experience of teaching human rights and politics courses in the University of the South Pacific in Fiji, the second author's research consultancy works in the Solomon Islands in 2018 to 2020, and the third author's personal reflection of his work as a human rights professional in the Asia Pacific region.
8. Author consultation with a human rights activist in Suva, Fiji, September 2018. Here we must remain cognizant of the reality that the enjoyment of the rights to health, education, adequate food, shelter, water, and sanitation—also known as “survival kits”—are affected by complex situations such as climate change, of which PICs have been increasingly bearing the brunt. Thus, protecting social, economic, and cultural rights requires multifaceted interventions.
9. The Paris Principles provide international minimum standards for NHRIs and underscore that NHRIs must have (1) independence in law, membership, operations, policy, and control of resources; (2) a broad mandate, pluralism in membership, broad functions, adequate powers, adequate resources, cooperative methods, and must engage with international bodies; and (3) a full compliance with the Paris Principles that provides NHRIs with international recognition.

10. Accreditation confers international recognition and the protection of the NHRIs and its compliance with the Paris Principles. Such status also grants participation in the work and decisions of GANHRI and the work of the UN Human Rights Council and other UN mechanisms.
11. In January 2012, PIFS, OHCHR, and APF conducted a joint scoping mission with a view to assist the Solomon Islands to establish the NHRI.
12. National report of Tonga submitted in accordance with paragraph 5 of the annex to Human Rights Council Resolution 16/21. 2018. A/HRC/WG.6/29/TON/1. Paragraph 125.
13. Section 1 of Article II–Bill of Rights of the Constitution of the Republic of the Marshall Islands.
14. Section 2 of Article II–Bill of Rights of the Constitution of the Republic of the Marshall Islands.
15. Section 4 of Article II–Bill of Rights of the Constitution of the Republic of the Marshall Islands.
16. Section 12 of Article II–Bill of Rights of the Constitution of the Republic of the Marshall Islands.
17. Fiji has reservations on Article 1 (definition of torture); Article 14 (the right to award compensation to the victims of torture); articles 20, 21, and 22 (competence of the Committee to receive individual communications); and paragraph 1 of Article 30.
18. National report submitted in accordance with paragraph 5 of the annex to Human Rights Council Resolution 16/21. The Solomon Islands. 2016. A/HRC/WG.6/24/SLB/1. Paragraph 14.
19. Personal communication with senior Children Development Department staff in Honiara, Solomon Islands, revealed that from 2018 to 2020, the government budget to promote and protect child rights was only SBD\$668,000, a little more than US\$80,000.
20. In the previous fiscal year, Fiji\$1.2 million was allocated to the FHRADC, but was taken away in the revised budget of March 2020.
21. In 1947, the colonizers in the South Pacific had formed the South Pacific Commission (SPC)—in short, known as the Commission—to provide technical advice on economic and social issues in the region. As the wave of decolonization swept across PICs, the leaders in the region, who were dissatisfied with the prohibition of discussion on political matters in the Commission, decided to form a new intergovernment agency (Shibuya, 2004). This resulted in the formation of PIF.
22. The PIDF emerged from the 2012 Engaging with the Pacific (EWTP) leaders’ meeting, attended by leaders and representatives from Pacific Island Countries and territories, where the agreement was reached to convene the PIDF in 2013. EWTP was a Fiji-led regional process that had evolved since 2010, in reaction to its suspension from the Pacific Islands Forum following the 2006 *coup*.

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