

SECTION 4

HUMAN RIGHTS

9. THE NOTION OF HUMAN RIGHTS

Anita Jowitt

10. HUMAN RIGHTS VS. CUSTOM IN THE PACIFIC: STRUGGLE, ADAPTATION, OR GAME?

Ian Fraser

11. CUSTOMARY FAMILY LAW AND GENDER DISCRIMINATION IN PAPUA NEW GUINEA

Owen Jessep

People who live in the South Pacific would seem to know a lot about human rights. That is, they hear a lot about human rights. Issues of human rights loom large on a daily basis, whether in the context of constitutional reform, the place of women in public life, the roles and functions of policing organisations or clashes between landowners and migrant settlers. The concept of human rights appears to have established and entrenched itself very securely in the consciousness of the region. In this section our authors present some timely and provocative critiques of the orthodoxy of human rights discussions as they are usually presented in the region.

The first two chapters go some way to filling gaps that are often present when human rights are discussed. First, Anita Jowitt grounds the concept of 'universal' human rights in an exposition of historical and jurisprudential development. Second, Ian Fraser examines the political and pragmatic aspects of the development of human rights and the extent to which they are accepted in Pacific island societies. Finally Owen Jessep considers the particular tensions that arise between customary family law and laws that seek to act to prevent or counter gender discrimination. His more practical consideration serves to reiterate and exemplify further the broader questions that were raised in the preceding chapters.