

(RE) ENGAGING INDIGENEITY IN PLANNING:
EPISTEMOLOGICAL CONFLICTS AND WOMEN'S HUMAN RIGHTS IN PALAU

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Urresel Orachel: Rock paintings of Orachel, possibly depicting the traditional political structure of Palau with the *btangch* or seat of a title holder at the bottom and a male and a female figure on either side of the canoe suggesting gender balance in the political structure (McKnight 1964). Palauan history attributes Orachel's contribution to the creation of the Palauan political structure. Palaeoenvironmental work suggests human arrival in Western Micronesia may have occurred around 4500 BC (Clark 2004).

Source: Kloulechad-Singeo, A. (2010). Cultural Mapping: Republic of Palau. *Secretariat of the Pacific Community Publishing*.

Abstract

Indigenous planning is an ongoing project bringing the complex and at times disparate experiences of the global indigeneity into focus. This particular study takes the women's human rights movement as a topic of interest and specifically looks at the CEDAW ratification process in Palau. The research seeks to understand Palau's opposition to the ratification of the CEDAW and specifically looks at the epistemological concepts driving this resistance. The study therefore seeks to understand the applicability of international human rights in indigenous settings and particularly to provisions of women's empowered status in Palau's matrilineal society. I have approached this study from an ethnographic research standpoint and with a critical focus that engages an advocacy perspective. Designed as a qualitative study, this research sought stories from Palauan knowledge holders and asks: "How do local cultural values and practices affect the adoption of international treaties promoting equality and human rights?" "What does this case imply about the imposition of Western epistemologies on indigenous societies?" Cultural values and practices and its positive provisions for indigenous communities has not been addressed fully in international development planning and theory. Consequently, the related work of international human rights instruments has not considered alternative worldviews and ways of doing emerging from indigenous communities. This study seeks to contribute to the wider theoretical and academic debate on the universality of international instruments and their relevance to Indigenous communities and argues for a decentering of these homogenous ideals that have negative implications for indigenous societies.

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List of Acronyms and Abbreviations

BPfA	Beijing Platform for Action
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CPED	International Convention for the Protection of All Persons from Enforced Disappearance
CRGA	Committee of Representatives of Governments and Administrations
CRPD	Convention on the Rights of Persons with Disabilities
CSW	Commission on the Status of Women
DAWN	Development Alternatives with Women for a New Era
DFAT	Australia's Department of Foreign Aid and Trade
DOI	Department of the Interior
FPA	Family Protection Act
FIC	Forum Island Countries
FLS	Nairobi Forward-Looking Strategies
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
IHR	International Human Rights
INSTRAW	International Research and Training Institute for the Advancement of Women
MCCA	Ministry of Community and Cultural Affairs, Palau
MOS	Ministry of State, Palau
ODA	Overseas Development Aid
OHCHR	Office of the United Nations High Commissioner for Human Rights
PCAA	Palau Community Action Agency
PICT	Pacific Island Countries and Territories
PIFS	Pacific Islands Forum Secretariat
PLGED	Pacific Leaders' Gender Equality Declaration
PPA	Pacific Platform of Action (PPA) for Sustainable Development
RPPA	Revised Pacific Platform for Action
SAMOA	Small Island Developing States Accelerated Modalities of Action Pathway
SPC	Pacific Community
SPC-RRT	Secretariat of the Pacific Community's Regional Rights Resource Team
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Program
UNEP	United Nations Environment Program
UNICESCR	International Covenant on Economic, Social, and Cultural Rights
UNICCPR	International Covenant on Civil and Political Rights
UNIFEM	United Nations Development Fund for Women

CHAPTER 1: WOMEN’S HUMAN RIGHTS AND PALAU’S MATRILINEALITY

On the 20th of September 2011, during a United Nations Treaty Event in New York, Palau signed eight of the core human rights treaties: the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW), the Convention on the Rights of Persons with Disabilities (CRPD) and the International Convention for the Protection of All Persons from Enforced Disappearance (CPED).¹ Signing the eight core human rights treaties demonstrated Palau’s support for the protection of human rights – becoming a signatory to these human rights also meant a commitment on Palau’s part to ratify these conventions at some point in the near future.²

International Human Rights (IHR) treaties are unarguably important to the lives of the global community. These treaties help to address critical issues of human rights violation and therefore help protect human lives and individual integrity as a human being. As an example, incidents of discrimination against women have prompted the international community to focus on the human rights of women specific to their needs through the CEDAW. The international community and specifically those advocating for women’s rights argue that women need a

¹Office of the High Commissioner for Human Rights, Regional Office for the Pacific media release 23 September, 2011

² Ratification is an act by which a State signifies an agreement to be legally bound by the terms of a particular treaty. Signature of a treaty is an act by which a State provides a preliminary endorsement of the instrument. Signing does not create a binding legal obligation but does demonstrate the State’s intent to examine the treaty domestically and consider ratifying it.

separate platform beyond that of the general Human Rights to address issues specific to women – thus the emergence of the Convention on the Elimination of Discrimination Against Women (CEDAW). International conventions can become problematic however when there is a perceived threat to the integrity of cultures adopting and implementing them. Most recently, there has been a debate concerning the merits of CEDAW particularly as it applies to Palau’s matrilineal society. More specifically, there are concerns relating to certain articles in the CEDAW and how they would impinge on the integrity of the local culture. This is particularly so because in agreeing to the ratification of United Nation conventions, Palau would have to change its laws to reflect the CEDAW articles. The real possibilities of having to legislate for changes cultural values and practices is not necessarily agreeable with a number of Palau’s people. An argument against the ratification of CEDAW and specific to article 5 of the convention is that rather than enhancing women’s standing in the community, what the article will do is take away certain women’s rights. There has been an argument for slowing down the process of ratification concerning CEDAW and associated ideas of gender equality due to some observed conflict with local practices and therefore the culture of Palau. There has been resistance from the community, paradoxically, leading this resistance has been the Mechesil Belau.³ In a statement made to address Palau’s current position regarding CEDAW, Bilung, Palau’s female paramount traditional leader states, “it may take a while for Palau to ratify the convention because we don’t want to enter into some kind of agreement to join other nations and then it will have a conflict with our culture. We will support that, but we are not yet ready to sign it. She said women in Palau no longer need some of the articles in CEDAW...but we are willing to support the other women in the world for their rights” (Poso, 2010).

³ Contemporary Palau women’s group headed by traditional women chiefs Bilung and Ebil Reklai

Resisting international conventions, particularly those created by the international community and specifically those who claim to have the ‘knowledge’ and expertise to decide what global policies should be and how they should be implemented is very challenging for indigenous communities. There is significant pressure to follow the direction dictated by the international community however, conforming becomes a burden for indigenous communities and becomes demeaning when choice is denied these communities to decide for themselves. The language that is used to entice and force conformity is subtle, however at times completely discriminatory. Statements are made that question the integrity of cultural practices without understanding fully how these specific practices may be impacted negatively by other ideologies or practices. For example, numerous statements have been made that despite having high traditional status for women, Palau has not taken steps to ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The principles by which the international community endeavors are not always practiced – therein lies the paradox. The freedom of choice is necessarily absent in the international arena. For some countries, however, and specific to indigenous communities, and in the case of Palau, international discussions leading to policy at the global level often meets with local resistance.

1.1 Research Questions: Cultural Specificities and Notions of Human Rights

The current focus of international development taking place in Palau and the subsequent promotion of women’s human rights has been largely driven by external processes and therefore overlooking the local community’s ability to define solutions to newer development problems. Indigenous epistemology therefore becomes a critical position in which to understand local resistance to international imperatives and the desire for self-determination and empowerment. This particular study takes the women’s human rights movement as a topic of interest and

specifically looks at the CEDAW ratification process taking place in Palau. I focus on the internal process of ratification including external factors driving the movement for ratification of CEDAW and the various instruments of advocacy. I do this through exploring the following questions – “How do local cultural values and practices affect the adoption of international treaties promoting equality and human rights?” “What were the cultural claims upon which these objections were made?” And “what does this case imply about the imposition of Western epistemologies on indigenous societies?”

This dissertation advocates for a different approach to culture and epistemology of place that is more nuanced and aware, seeking to position local epistemologies within the planning discourse and the consequent transformation. This work addresses a fundamental concern about the universalist discourse of Western feminism imposed on Palau. More specifically, it is concerned with dominant Western ideologies and practices largely shaped by Western models of women’s human rights and questions whether these processes are appropriate for Palau. I argue that a paradigm shift is necessary, so too the types of meanings and knowledge(s) that are produced to reflect the importance of culture in planning practice. I argue that planning theory and practice creates challenges to internal structures and corrupts the integrity of the cultural space of indigeneity. Specifically, it does this through exporting and imposing ideas of international human rights development, as they would impact notions of independence and sovereignty. CEDAW and the women’s human rights discursive remain immersed in patriarchal notions of what it means to be a woman and a man. Palau’s case has shown quite clearly the need to reassess these ideas and what it means to give space to ideas that protect and engender a more balanced human relationship. I argue that planning, particularly international development

planning processes can be examined to establish what constitutes legitimate knowledge as it relates to the universal acceptance of women's human rights.

Ratification of CEDAW in Palau is much more complex and therefore challenging despite the simplification that outside agencies attribute to the position of Palau. The current global approach concerning the relationship between men and women is claimed to be divisive and therefore misrepresents local understanding of this relationship. Additionally, notions of equality and the partial advocacy for women's rights does not make sense in the Palauan cultural perspective particularly in a culture that recognizes the complementary interdependent relationship between men and women. Questions are being raised dealing directly with how cultural and historical specificities can be reconciled with the global notions of universal human rights. Compatibility of the universal human rights and local cultural life ways have been argued to be incompatible. Additionally, the basis of the universality debate in part emerges from the critique of Western domination and assumptions (Said, 1979; Spivak, 1988). Critics have argued that the universal human rights provisions are based on an uncritical transfer of Western values and the consequent imposition on the sovereignty of non-Western cultures (Anand, 2016).

Recognizing that the term "culture" has become a source of controversy and debate among poststructuralist writers, I draw from the work of James Clifford to serve as the scaffolding for deploying and using the term culture in this dissertation. Clifford (2000) charges that intellectuals of a post-structuralist bent, when confronted with movements based on tribal, ethnic, gender, racial or sexual attachments, are quick on the anti-essentialism trigger and therefore dismiss historically adaptive forms of cultural integrity (pp. 94 – 99). Furthermore, Clifford (2000) argues that, "human beings become agents, capable of effective action, only when they are sustained 'in place' through social and historical connections and disconnections.

Effective democratic mobilizations begin where people are (not where they ‘should be’): they work through the cultural discourses that situate groups, that provide them with roots (always spliced), with narrative connections between past and present (traditions), with distinctive social habits and bodies” (pp. 96 – 97). It is to this idea of culture that I engage this dissertation work, to locate the place of indigenous mobilization against universalist processes.

The universality discourse has been discredited and resisted in many cultures globally including Palau. I argue that a shift in worldviews to recognize differences and nuances in cultural understanding is necessary. Thus, I argue that International Human Rights must take seriously cultural particularity into consideration and therefore to give space for local understanding. There are therefore legitimate concerns regarding the universal applicability of International Human Rights instruments, and specifically CEDAW in Palau.

1.2 Methodological Approach

I have approached this study from an ethnographic research standpoint with a ‘critical’ approach by including an advocacy perspective (Creswell, 2007, p. 70). Critical ethnography has allowed me to “highlight the role of ideology in sustaining and perpetuating inequality within particular settings.... additionally, to create change for the better” (May, 1997, p. 197). An important aspect of the research process included language fluidity and an understanding of cultural protocols. It took me nearly a year to immerse myself in my community and to refamiliarize myself with language and cultural protocols. This helped immensely with the interviews and in identifying persons who could ‘speak’ to this topic. The bulk of the interviews including observations were conducted from late 2015 to 2017 in the Palauan language, some informants chose to respond in both Palauan and English. Interviews in Palauan helped in understanding the nuances of the Palauan culture difficult to translate into the English language.

Additionally, some understanding of cultural protocols became necessary particularly when interviewing elders and titled persons. While I was able to interview a total of 23 persons, only 10 of those interviews became 'key' interviews. All informants nonetheless contributed greatly to understanding the ratification process. A number of the key informants were directly involved in the CEDAW ratification process including being key decision-makers in the ratification of the protocol. This contributed to significant insights and to a more nuanced understanding of the different perspectives on this topic.

1.3 Purpose Statement and Significance of the Study

The purpose of this research is to reveal and clarify the historical and cultural impetus driving Palau's rejection of the CEDAW ratification. The research seeks to understand the epistemological concepts that would hold Palau's women in their opposition of CEDAW and to reveal the significance of ideas held in Palau's matrilineal society and the place of women and men. The study therefore seeks to understand the applicability of international human rights in indigenous settings and specifically to provisions of women's empowered status in Palau's matrilineal society.

Among the key challenges confronted by International Human Rights (IHR) in Palau is the fact that there is no engagement with local perspectives and worldview of the community that IHR seeks to empower. Cultural values and practices are not taken into account in the ratification of IHR instruments especially CEDAW which seeks to give women significant standing in the communities. This rigid thinking in IHR and women's rights projects does not necessarily match the lived realities of indigenous communities and in the case of Palau – matrilineal societies. These universalizing instruments in reality bring with them patrilineal ideologies and normative that largely impose on indigenous cultures. These universalizing representations of 'others' are

embedded in Western concepts that are problematic for indigenous communities and negatively impinge on the status of women in these settings. Consequently, uninformed ideologies such as these IHR instruments come into conflict with traditions and customs that afford women rights such as decision-making powers, and inheritance rights among others. Additionally, international legal frameworks are premised on the fact that culture is harmful for women. In the case of Palau's matrilineal society however, culture provides significant rights to women. This becomes necessarily challenging in the defense of women's rights and creates a dilemma in the application of 'equality' in a society that values balance and partnership in the roles of both women and men. As such, IHR could potentially reverse positive cultural positions of Palau's women and further disempower them.

The significance of cultural values and practices and their positive provisions for indigenous communities have not been addressed fully in planning and development theory. Likewise, international human rights instruments have not considered alternative worldviews and ways of doing emerging from indigenous communities. This particular study focuses on the applicability of human rights instruments in relation to Indigenous societies. A theoretical gap resulting from the failure to account for cultural values and the position of women in matrilineal societies is being recognized in the CEDAW therefore allowing for an argument that CEDAW may be discriminatory. The argument from the standpoint of matrilineality within the women's rights discourse is critical. This is so primarily due to the fact that CEDAW argues from the patriarchal standpoint and therefore defining women as the subordinate other. This study seeks to contribute to the wider theoretical and academic debate on the universality of international instruments in the context of their relevance to Indigenous communities who may already have answers to these sorts of challenges

1.4 Sociopolitical and Historical Context

This section locates Palau historically and provides the context to the contents of this dissertation. A significant body of written material on Palau is readily available and covers a wide range of scholarly writings in fields such as anthropology, ecology, history and political science, among others. The indigenous speaker however is consistently silent in the pages of these writings despite lending significant knowledge material for the researcher. I have endeavored to realign this space by citing local accounts of the historical processes and therefore to give voice to local understanding of what took place in Palau during the colonial years. Additionally, I seek to respond to Hanlon's insistence on decentering the practice of history in Oceania and therefore to Oceanic history done for and by Oceanians, to challenge colonial paradigms of what history is and how it is best expressed (Hanlon, 2003). Furthermore, I am intentionally being selective in the ethnographic sources referred to in this work, particularly in the description and analysis of the place of women in Palauan society. A large number of these earlier ethnographic works reflected U.S. intertests in researching Micronesia and Palau, to gain insight into local political and social structures and to aid U.S. officials in implementing policies throughout the island groups (Wilson, 1995). These anthropological writing on Belau focused primarily on men's political activities, male chiefly councils and electoral politics. Very little attention is given to the interrelationship between women and men and mention of women rarely occurred outside compartmentalized discussions on marriage, childbearing and child rearing. Belau women had been left out of the 'ethnographic' picture (Wilson, 1995).

From this perspective, this section of the dissertation provides a brief background of the changing governance system reflecting colonialist structures and the different and significant ways these ideas have impacted Palau's socio-cultural context. Key here is an understanding of

how women were slowly marginalized in the various aspects of Palau's changing society and gives glimpse to the changing roles of women and men. So this set of explanations serve as a backdrop referencing the continuing engagement of Patriarchal ideologies and how expressed in the Palau setting.

1.4.1 Uchelel Belau: The Origin Myth of Palau and Matrilineality

Creation myths are a narrative strategy principally in cultures where oral traditions help to construct and sustain ideas and practices that have direct social, cultural and spiritual significance for a group of peoples. An important function of myth is that it provides evidence of people's origins and therefore of their connection to place (Stella, 2007). Stella writes that myths may be the most sacred of traditional narratives particularly for indigenous peoples because myths help to narrate the meaning of existence (Stella, 2007). To explore these ideas, I focus on *Cheledechdech a Chuab*, more specifically on a series of myths that together tell about the origin of Palau. I have taken the liberty of condensing the myth focusing specifically on the first part of the myth, the purpose of which is to give a brief account of Palau's origin myth and the centrality of woman in the creation of Palau. The intention is to reveal the position of women in Palau's matrilineal society within the origin myth of Palau.

Uchelel Belau

Belau was totally empty and had no people dwelling in it. Uchelianged (Foremost of Heaven) looked upon it and saw the expanse of the sea, which was completely empty. Uchelianged's voice then said, "Let a land arise. Let a land arise." So a piece of land rose up to the surface of the sea at Mekaeb between the islands of Ngeaur and Beliliou.

And then there was a clam which came into being – Latmikaik. This clam grew larger and larger, and then there came into being the insides of the clam. And, like a human being, the inside of the clam grew larger and larger and became pregnant, with its belly swelling to a large size. When it gave birth there were many, many fish.

And then these fish in turn gave birth until the sea was crowded. When the sea became crowded, Uchelianged said to Latmikaik, “Tell your children to gather together rocks and coral and pile them up to the surface of the sea.

Uchelianged then said. “Now one of your (Latmikaik’s) children will come up out of the sea to Ngeaur. Her name is Chuab. Her task is to create chiefly councils.” Uchelianged then said to Chuab, “People today are very lawless, and without chiefly councils they will never become law-abiding. You will have the responsibility for creating chiefly councils.” So Chuab created a council at Rois, a village in Ngeaur. Chuab then travelled northward and came to Beliliou, to Ngerchol village where she created a council in Ngerchol. Then she traveled and came to Belau where she created councils at Imul village, then Ngeremid village, Ngerusar village, Ngersuul village, Ulimang village and Mengellang village⁴.

⁴ This version of the story is an abbreviated form taken from Parmentier’s *Sacred Remains*, knowledge holder Ngiraklang Malsol shares his extensive knowledge of Palau’s culture.

Stella (2007) reminds us that ‘place’ is constructed...through myths and common histories thus providing a community with sources of identity and proof of their rights. He further argues that the authority that empowers and authenticates the habitation and control of place is vested in oral tradition (Stella, 2007). Thus for Palau, the creation myth is a source of identity for Palau peoples as well as a genealogy marker that helps to authenticate Palau’s peoples claim to place and the consequent epistemology of place.

As in other places throughout Oceania, Palau’s culture has shaped and been shaped by diverse external influences – this relationship thus has provided some sort of theoretical continuity as to its prehistoric origin. This cultural resiliency has enabled Palau to integrate the external – adapting to changing circumstances and thus to make sense of the various elements that seek to impose on the local culture. Cultural resiliency and the recognition of creation myths in support of Palau’s epistemology has enabled the space for exploring the changes that inevitably result from the meeting of different and oftentimes competing worldviews. Claims to the epistemological space of Palau and the position of women has emerged through the CEDAW ratification process. What remains material is the authority of cultural and traditional values in settling these competing claims of “knowing” revealing the centrality of women’s position in Palau’s contemporary society.

1.4.2 Palau’s Matriarchal, Matrilineal Society and the Position of Women

Palau is a matriarchal, matrilineal society with an emphasis remaining on lineage and inheritance traced through female members. This emphasis on matrilineal kin is expressed in such social domains as title succession, authority within the clan and regulation of inheritance. It is within this context that Palau women’s elevated status is expressed, particularly in her decision-making role. In the context of the matrilineal clan system, women and men take on

chiefly titles based on their clan affiliation. “Women were the repositories of the titles and the titles bore the authorities and the responsibilities of the position” (Rechebei & McPhetres, 1997, p. 36). As titled women of their clans, women have authoritative roles in matters concerning the clan including the responsibility of appointing the male chief counterparts to help lead the clan.

Contemporary Palau remains embedded in the traditional governance system even as it claims nationhood in the form of Western governance system. This dynamic and evolving political system recognizes the important role of Palau’s traditional leaders in the contemporary setting reflected in Article V Section 1 of the Constitution of the Republic of Palau.

The government shall take no action to prohibit or revoke the role or function of a traditional leader as recognized by custom and tradition which is not inconsistent with this Constitution, nor shall it prevent a traditional leader from being recognized, honored, or given formal or functional roles at any level of government. (Palau Const. art. V, § 1)

Additionally, Article V Section 6 creates a Council of Chiefs to advise the President on matters concerning traditional laws, customs and their relationship to the Constitution and the laws of Palau (Palau Const. art. V, § 6). Palau’s men and women remain tied to their clan affiliations and traditional roles while actively engaged in the new political system. Although Palau’s women have taken their time to enter the newer political arena, women are nonetheless afforded the same opportunity as men in the electoral politics.

1.4.3 Colonial Legacy and the Absence of Women

Palau was largely excluded from the mapping of European expansion taking place in the Pacific beginning nearly six hundred years ago. It was not until 1783 after Captain Henry Wilson’s *Antelope* shipwrecked on Ulong Island near Oreor that Palau's extensive contact with the Europeans began (PCAA, 1976). At the time of Captain Wilson, Palau was divided into two

powerful confederacies, bital yanged ma bital yanged or two side of heavens. Idid Clan of Oreor headed the southern confederacy and Uudes Clan of Melekeok headed the northern confederacy. The two paramount clans vied with each other for supremacy and the strategic relationships with the foreigners would prove valuable and powerful in political maneuverings. These earlier relations would prove to have a lasting impact on the balance of power between the upper heavens and the lower heavens, most critically on the position of Palau's women and therefore the socio-cultural context of Palau.

The Spanish – American War of 1898 saw the collapse of Spain's Pacific empire and contributed to the reshaping of the colonial administration of Micronesia once again. German interest in the area resulted in an early proclamation of the Caroline Islands of the German territory in 1885. Germany would eventually consolidate its authority over the rest of Micronesia a few years later by purchasing the Marianas Islands and the Caroline from Spain in 1899 (Mita, 2009). During the next fifteen years, Germany would establish a system of colonial administration throughout the region, one that emphasized economic development however largely for the benefit of the German administration.

The German administration was clear in its intent to develop Palau. One significant impact of this development agenda was the alienation of large tracts of land for the purpose of furthering the German economic development. It was at this time that the "Germans forced individual Belau persons to plant and harvest coconuts on land that the Germans insisted was to be the individual's private property" (McCutcheon 1981, p. 69). This would introduce the foreign concept of individual land ownership with subsequent significant impacts on the traditional land tenure system. Palauan land tenure system is largely collective in nature and land is held in common by clans in Palau. Moreover, decision making regarding land tenure status

and exchange remains the privilege of women. Women however were largely disincluded in land tenure matters and with most decisions involving men and the German administration. With the imposition of a new way to think about land tenure, confusion leading to some power struggles emerged in Palau's society at the time.

The German administration similarly prohibited warfare and suppressed extensive exchange activities and village feast events. Traditional village chiefs were made to cooperate with the German administration acting as intermediaries between the Germans and the community. Those who did not cooperate however were ignored even in favor of lower ranking chiefs. Chiefs of villages gathered regularly to receive orders from the German administrators, and village chiefly councils became the means to implement German policies (Vidich, 1980). As means of coercing Palauan men to work as laborers for the German administration, officials imposed a head tax and prohibited such cultural practices that involved the extensive system of men's clubs. The operation of the phosphate mines in Palau resulted in the introduction of the wage system – with wage compensation in German currency. This new form of exchange was largely concentrated in the hands of the young men laborers and therefore played a significant shift in the power dynamics of the Palau community. This shift however was tempered by the limitations of the German currency and its circulation within the traditional exchange system – specifically within customary exchanges (Vidich, 1980). German officials did much to implement policies to protect trade capabilities and increase commercial potential in Palau. The impact of these policies was an erosion of the authority of village elders and significant changes in all aspects of political life.

The outbreak of World War I resulted in the German withdrawal from the islands in 1914 thus allowing Japan the opportunity to make claims over the Micronesian region. After

Germany's defeat by the allied forces, the newly formed League of Nations established a mandate system for all German colonies and in 1919 Japan obtained legal control over Germany's former Micronesian territories.

The Japanese administration of Palau⁵ and subsequently the policies implemented greatly altered the historical pattern of politics and further undermined the authority of clan titleholders including women. Administrators appointed Palauans to act as village heads in a new system of government. While trying to work through the chiefs to extend their power into the distant villages, the authorities were also not reluctant to appoint individuals who had no traditional rank (Rechebei & McPhetres, p. 163, 1997). This interaction with village chiefs narrowly involved male chiefs therefore marginalizing the role and decision-making authority of women in Palau's society. The Japanese consultations with villages and decision-making processes therefore centered on Palauan men who would lead and mediate communication in the villages. The Japanese administration gave Palauan collaborators high status. The position of the collaborator chiefs however had been reduced to that of receiving orders from the colonial administrative office (Peattie, 1988). A new class of individuals began to have more power by acquiring new skills and by individual achievement. The long-term effect of this individualization was a considerable alteration in traditional Palauan cultural patterns at the time.

The Japanese administration also instituted a new system of organizing men's and women's clubs, with the goal of more efficiently organizing Palauans for Japanese designed work projects. This would impact negatively on the traditional age-graded groups already in place and further marginalized women. Traditional age graded groups were a means for the different groups to learn social mores as well as a means for acquiring specialized skills. These

⁵ See Peattie (1988) for a more comprehensive historical account of the Japanese Administration in Micronesia including Palau.

age-graded groups allowed individuals to learn societal rules and etiquettes facilitating the cultivation of community leaders. This training was largely diminished during the presence of the Japanese administration which had an entirely different context driving the creation of these working groups. Leadership and direction would come from the Japanese.

Acculturation was an important agenda for the Japanese administration, the most ideal environment was in the education system created for Palauans. Palauan children attended segregated schools in Koror, where instructors emphasized learning Japanese language and culture to “civilize them and to make them loyal, unquestioning subjects of the Empire” (Rechebei & McPhetres, 1997, p. 153). One of the various programs to “acculturate the natives” included sending Palauans on a culture tour of Japan. The practice referred to as Kanko-dan, was extended to chiefs and high-ranking men and later included younger men, graduates of the Japanese sponsored schools (Iitaka, 2011).

Most Palauan children attended the Kogakko school, a three year elementary school program for Palauan children.⁶ The school program was administered by the Japanese and part of a dual school system serving Japanese children (Shogakko) separately from Palauan children (Shuster, 1982). Reading and writing were the main subjects of study, however, most graduates of the program did not necessarily have the language and reading skills to sufficiently help them find work in the capital. Some Palauans were able to attend school beyond the three required and were able to get the additional training necessary to find work. Beyond the three-year elementary school, selected Palauan students could attend carpentry school or night classes, although not all Palauans were eligible as these trainings were reserved for 'boys' only. After three or five years of public schooling, most of students, specifically boys, were hired as office boys in the

⁶ See Mita (2009) for an introduction to the individual experiences of Palauans as students during the Japanese Administration.

government offices or in private companies and workers in the Angaur phosphate mines (Higuchi, 1991). The highest entry to success for a young Palauan was to become a Junkei, a designation specific to a Palauan policeman versus Junsu, reference for a Japanese policeman (Higuchi, 1991). Hojo Kyoin or teacher's aide was the other high-level entry for a Palauan. Young Palauan men could find work as messengers for the Headquarters, or messenger runners with corps, member of the fishing group for soldiers, assistants of manufacture of tapioca starch and salt. Most of these opportunities for employment were mainly for men and therefore limiting Palau women's opportunities in progressing their education and training.

With limited opportunities, a small number of Palauan young men advanced their education beyond third grade, finding employment and additional training. Women were not extended the same opportunities and few completed school beyond third grade, most kept employment with Japanese families cleaning, cooking and running errands for these families (Mita 2009). One of the more visible roles that Palauan young women took was to become a member of the Tomi Fujin Kinro Hoshi-tai a voluntary group of island ladies' patriotic society (Higuchi, 1991, p. 147). Similar to the local Japanese ladies' patriotic society, the group's goal was to work in preparation for the US raids (Higuchi, 1991).

Japan lost administrative authority of Palau in 1945 leaving it to the administration of the United States. The end of World War II and the subsequent loss of Japanese control of the Micronesian islands would see an installation of a new colonial master and contributing significantly to the shaping of Micronesia. "The United States was assigned specific responsibilities by the United Nations Trusteeship Council Agreement. These responsibilities included increasing self-government for the people of Palau, economic development, social development and protection for the customs and culture of the people" (Rechebei & McPhetres,

1997, p. 222). Immediately after World War II, the United States Navy took charge of the administration of the formerly Japanese mandated islands of Micronesia with subsequent planning immediately after the war. Left with the responsibility of administering the newly acquired US territories – the United States Navy enlisted the services of the US Commercial Company for the planning of Micronesia, including Palau.

Before the plan could be implemented however, administrative responsibilities were transferred from the United States Navy to the Department of the Interior (DOI) (Kent, 1982). This was largely prompted by emerging criticisms of the administration of the region. In 1961, a United Nations Visiting Mission to the area cited neglect in almost all areas including inadequate education programs, poor living conditions, particularly the “political consequences” of the continuing division between the United States Navy and the United States Department of the Interior in the administration of the territory (Rechebei and McPhetres, 1997). Under the administration of the DOI, Palau and the larger Micronesian region were largely left to themselves with governance and decision-making continuing to come from the metropolitan center, Washington D.C., through a District Administrator (Kanost, 1985).

Larger sums of capital were poured into the region to help with the new administrative direction of the Micronesia islands. Chief among these were investments in the education of the ‘native’ population including a changing governance system. Education became the primary aim in the development of Micronesia, including Palau, with investment however directly benefitting the male population and therefore reflective of the patriarchal culture of the new colonial administrator. In agreement, Nevin (1977) maintains that “the controlling metropolitan power casually models the future on itself without even wondering if there are alternatives” (p. 28). Identification of male candidates for education and leadership roles became central in setting up

a new governance system for the region including Palau. The inauguration of the first Congress of Micronesia on January 19, 1965 was absent of female leadership with the twelve members of the House of Delegates and 21 members of the General Assembly representing an all-male leadership. It is additionally important to note that although the congress had power to make laws and pass resolutions, the high commissioner had full (plenary) veto power (Kanost, 1985). Moreover, although “the congress could override a veto with a two-thirds vote in both houses, the Secretary of the Interior would have the final word (Rechebei & McPhetres, 1997, p. 255).

Nevin argues that the American administration of Palau, as with the rest of Micronesia “had a disastrous impact ...motivated by their interest in the strategic value of the islands and have been guided by a naive altruism and an arrogant assumption of superiority that has allowed no self-questioning” (Nevin, 1977, p. 16). Throughout the history of U.S. administration, people in Palau have consistently encountered U.S. policies and activities that have interfered with local politics and impeded, rather than nurtured self-governance (Wilson, 1995, p. 169). U.S. policy in Palau as well as the rest of Micronesia has introduced elections and ideas of self-government however U.S. had continued to pursue long-standing policy objectives to ensure permanent access to Palau for military purposes. U.S. congressional leaders have stated and described the goals of their policies in the region – that the goal of their policies and the Compact of Free Association (COFA) is to allow Palauans a full measure of self-government: yet one military official, without apology, equated the U.S. military proposals to “international servitude” (Armstrong, 1981). Palau overwhelmingly approved the world’s first nuclear-free constitution in 1979 – a constitution that directly countered on-going U.S. military objectives – and it has been women who have consistently taken the lead in actively protecting Palau’s constitution and self-government in the face of U.S. military proposals (Wilson, 1995, p.4).

This brief historical review demonstrates the colonial impact on the Palau women's position and the subsequent gender relations in Palau. Throughout the colonial administration of Palau, women were largely marginalized and were not recognized in decision-making processes despite their culturally significant status in decision-making. Patriarchal colonial administrations did much to diminish Palau women's position, generally treating them as they would women in patriarchal societies. Wilson (1995) for example, recounts Mirair Gabriella Ngirmang, a Palau matriarch's reflection on the role of women negated by colonial gender frameworks:

Maybe for those people who say women don't have any place in politics, maybe that's their own personal opinion. Some people in Belau have really been influenced by the Japanese and the Americans. When the Japanese were here, (I) learned that they think of women in very different ways than people here in Belau. The Japanese looked down upon women...referred to as oksang, for one of the pillars at the back of house while the man is referred to as dana, leader of the household. The Americans paid attention to women but to the men's wives rather than their sisters and aunties. If you look at Belau and our traditions, women have strength and are stronger than men (pp. 186 – 187).

As has been described here by Mirair Gabriella Ngirmang⁷, the Palauan woman is positioned differently than other women globally, remaining actively engaged in decision-making impacting Palau's community. Palau's women have consistently challenged outside worldviews that impose on the integrity of Palau's culture including challenges to sovereignty and independence. They have done this grounded in their strong sense of cultural identity and

⁷ Mirair Gabriela Ngirmang was a matriarch of Ikelau and served as a leader of Maiberel, a women's organization of Koror. She emerged as one of Belau's most vocal and persistent critics of U.S. policy related to U.S. military proposals (Wilson, 1995).

confidence in who they are and therefore a sense of stability in navigating today's contemporary Palau and the subsequent challenges.

1.5 Organization of the Dissertation

Chapter two offers the theoretical framework that shaped my initial research proposal and the insights that would guide me in rethinking planning in postcolonial space. This chapter provides a background for readers who might not be familiar with the history of planning in postcolonial space and briefly explains how the planning discipline has been translated in the indigenous context. The chapter argues that the spaces of planning practice have always been the product of socio-political relations, from the industrialized cities of Europe to contemporary spaces of indigeneity. This chapter outlines the debate and asserts that post colonialism offers planning an alternative theorizing for understanding the role that planning has in producing epistemological subjectivities. This chapter is framed in the language of post colonialism, including specific feminist theory and questions CEDAW's universalist discourse.

Chapter three outlines the methodological framework used in the study to examine the CEDAW ratification process in Palau. The chapter presents the theoretical and methodological perspectives of decolonizing research based on the work of Linda Tuhiwai-Smith and other indigenous researchers. It outlines 'storytelling' critical ethnography as an analytical tool used to gather and understand the data. The chapter additionally explores the actors and structures and their roles in the CEDAW ratification process. Finally, the chapter briefly discuss the research design and data collection methods that were employed such as interviews and document analysis and outlines some of the difficulties and limitations encountered in the field.

Chapter four outlines briefly the history as well as some of the technical aspects of CEDAW. The chapter further discusses the emergence of CEDAW and subsequent beliefs and

understanding concerning the position of women globally. It further discusses these sets of beliefs and how carried into spaces of Indigeneity and of Palau. The chapter then discusses the involvement of Palau in this global process and how Palau negotiated its space within all of this. The chapter engages the CEDAW international discourse and how this epistemology conflicts with the point of view of Palauans.

Chapter five explores international and regional agreements to explain how CEDAW and gender politics have been framed internationally and regionally and how that framing has been imposed on Palau. It further discusses these sets of beliefs and how carried into spaces of indigeneity and specifically focuses on Palau and its involvement in this global process revealing how Palau negotiated its position within all of this. The international and regional agreements and what has been identified as challenges to gender equality and therefore the basis for CEDAW ratification. This chapter recalls the CEDAW and its proponents and arguments based on international and regional perspective and the ways in which these have been imposed on Palau.

Chapter six details Palau's experience with women's human rights work and specifically looks at the CEDAW ratification process in Palau. The chapter examines the ways in which CEDAW ratification was promoted in Palau and explores the partnership between regional organizations and Palau's government and their subsequent influence over the ratification process. The chapter delves deeply into the narrative deployed in support of the Convention and identifies Palau government's role in support of it. The experience of Palau's ratification of CEDAW was very much influenced by global processes and development partners who prioritized their interest over that of Palau's. Complying with international norms meant an increased pressure on government counterparts to respond to international requests and having to

balance decisions based on global frameworks and diplomacy as well as local desires and aspirations.

Chapter seven discusses in detail the emerging concepts that were controversial in the CEDAW process and further looks at how these concepts were interpreted. The discussion focuses on the specifics of why Palau did not ratify the CEDAW and expands on the argument made concerning the imposition on culture related to article 5 of CEDAW. It is therefore a discussion of the emerging issues with the differently interpreted ideas of gender equality and women and men's roles. The chapter further defines the CEDAW story focusing on the specific elements of the matrilineal culture driving the local narrative on gender equality and the status of women from the Palau perspective. It further refines and brings clarity to the position of Palau and the articulation of issues from that of epistemology to gender equality.

Chapter eight, the concluding chapter, explores an alternative direction in planning practice and theory and the work that needs to be done if planning is to take seriously the culture centered work advocated for in planning. Additionally, the chapter advocates for a decolonizing of planning and further delves into planners' understanding of the importance of epistemology and the epistemic lens including a historical context of place. Finally, the chapter gives space to the argument for the primacy of culture in the international planning context and the need to have an understanding for the women's human rights discourse and to reframe the CEDAW so that it is compatible with the expectations of Palauans.

CHAPTER 2: THEORETICAL FRAMEWORK

I would like to briefly talk about my intellectual journey from the academic setting at the University of Hawaii, Manoa to doing field work at home – to understand and rediscover the place that has shaped my interest in planning – Palau. My attempts to understand the theoretical concepts of my field of discipline in planning and the research work that I would eventually be doing at home became an admitted struggle. Reconciling planning theory with what I understood to be taking place in Palau was and continues to be intimidating and overwhelming. There remain difficulties in navigating the different and emerging theories in my planning education and the nexus between the Palau context that I would bring into my intellectual journey and finding ways to explain what was happening back home. Postcolonialism and Pacific Studies would provide the platform from which I could begin to untangle the complexities of my planning studies – to understand planning in the space of “other” and what that might entail. These perspectives help to clarify the theoretical ideas that I have chosen to discuss in this chapter of my dissertation, particularly to my focus on postcolonialism and the ideas present there.

Postcolonialism would provide the context and theories to understand what was happening in my Pacific home and helped me to be more grounded in the Pacific discursive and the intellectual debates at the time, debates specific to my place because I am not simply interested in intellectual academic debates but how all of this knowledge shapes the ways that I as a planner may respond to emerging issues and challenges in the Pacific and the Palau context. As a planner, I have found the relevance in being grounded in postcolonialism in order that I understand the context of the place that I work in.

This chapter therefore offers the theoretical framework that shaped my initial research proposal and the insights that would guide me in rethinking planning in postcolonial space. My research question – "Why in a matrilineal society where women hold an elevated status would Palau remain one of the few nations in the UN to resist ratification of the CEDAW?" – is grounded in those planning ideas about difference, inclusion and indigeneity. Additionally, issues of gender and epistemology tied to planning, led me to the feminist discourse and its intellectual underpinnings – specifically "Third World" feminist theory as it discusses the position of "Third World" women and the subsequent rights advocated for. Moreover, I am guided by the intellectual contributions of Pacific scholars as they discuss the importance of decolonization and the significance of epistemology in this work. I draw from the post development discussions as it relates to the position of Indigeneity in the development discourse. This chapter provides a background for readers who might not be familiar with the history of planning in postcolonial space and has been translated in the indigenous context and further discusses how these debates help to shape this project. This chapter is therefore framed in the language of post colonialism, and advocates for the epistemology of place and actively 'speaks back to the power of imperial cultural knowledge'.

2.1 Colonization and Cultural Hegemony

Planning theory has witnessed a major shift in thinking from earlier modernist conception of planning to a more fragmented theoretical field. Planning scholars (Harvey, 1990; Jacobs, 1996; Sandercock, 1998) among others have examined and continue to write about the significant changes taking place within the field of planning. This transformation corresponds to what Harvey (1990) would argue, is a 'sea change' in the political, economic, and cultural practices involving the emergence of a new postmodern sensibility in numerous fields and

disciplines that has also found its way into the planning discipline. While the history of planning thought contains many streams, Sandercock (1998) argues that all of them come from the same headwaters of Enlightenment epistemology (p. 64). Modernist planning consolidated itself around a social science core that emphasized its claims to rationality and objectivity, and it is this Enlightenment epistemology which had molded and underpinned the history of planning thought (Sandercock, 1998).

If Modernist planning has enjoyed a relative role of domination, it has also had its share of opposition. Emerging from the earlier critiques of Enlightenment epistemology were challenges from philosophers of natural science such as Kuhn, Hesse, Feyerabend, postmodernists and post-structuralists such as Lyotard, Foucault and Baudrillard and critical theorists including Habermas, Adorno and Horkheimer (Allmendinger, 2002, p. 86). These influential thoughts have led to internal critiques of planning and to the rejection of modernist traditions based on the logic of positivism and the basis to scientific knowledge. The postmodern turn in planning has responded to these intellectual debates taking place in the field of social sciences generally and to planning theory specifically.

Failures of modernism have also led to parallel changes within contemporary planning approaches and to the notion of subaltern differences as an important source of new paradigms. Awareness of Indigenous issues has gained momentum as the planning community begin to recognize the complicit role that planning plays in silencing and disempowering Indigenous communities. There is an increasing recognition within the field of planning of the marginalizing effects of planning practices particularly among the indigenous communities of post-settler states. Indigenous planning is a relatively new field that currently focuses on a number of compelling issues that directly affect indigenous groups globally (Dorries and Harjo, 2020;

Hibbard et al., 2008; Jojola, 2008; Lane, 2003; Matunga, 2006). More specifically, indigenous planning has been a vehicle in which indigeneity in post settler settings are able to make claims. Sandercock (2004) writes that indigenous planning has emerged as a result of a number of important struggles that have challenged the prevailing 'order of things' and thus has erupted into the domain of planning, given planning's role in the production of space and the making of place.

Lane and Hibbard (2005) claim that as a modernist and state-directed project, planning has traditionally served indigenous peoples (and other minorities) poorly. Modernist approaches to planning in indigenous settings continue to marginalize indigeneity, dismissing their cultural, religious, and other concerns as irrational, and ensure the imposition of external values, interests, and plans in indigenous domains (Hibbard et al., 2008, p. 143). Indigenous peoples in the post-settler states argue that state-directed land and resource planning has largely failed them and has contributed in many instances to their marginalization (Hibbard et al., 2008). Post-settler and independent indigeneity have argued that the process of colonization has allowed for the dispossession of their land and for the imposition of concepts and systems of land and natural resource ownership quite different from those of the indigenous societies.

Planning of the type introduced by the colonial powers continues to be practiced in Indigenous spaces and has had widespread and lasting impacts. Porter argues that the colonial roots of planning persist in postcolonial societies, manifested in everyday planning practice and continuing to shape land use contests between indigenous people and postcolonial states (Porter, 2010). These assumptions of planning therefore continue to perpetuate unequal relations and are largely maintained by planners and the social power they wield. Thus, Porter claims that the ordering of space, determination of who is an Indigene, and the limitation of what constitutes

acceptable practice continues to be the *modus operandi* of planning practice today (Porter, 2006). It continues to locate the inclusion of Indigenous peoples into certain positions deemed appropriate by colonial tropes concerning place, nature, identity and practice. In (post)colonial dilemmas such as these, there is more theoretical work to be done in exposing, understanding and undoing the colonial (not just the modernist) roots of planning (Porter, 2006, p. 393).

The contemporary discourse on planning is, of course, increasingly plural and emphasizes approaches to planning that differ markedly from modernist state-directed planning (Lane & Hibbard, 2005, p. 174). As with other planning scholars (Porter, 2010; Watson, 2006; Watson, 2016), I argue that postcolonial approaches to planning practice and theory offers a starting point for discussing the complexities of planning in postcolonial settings. Postcolonial approaches show how the production of western forms of knowledge cannot be separated from the exercise of western powers (Said, 1978) and argues for the importance of reasserting the value of alternative experiences and ways of knowing. Postcolonial approaches facilitate the articulation of questions about imperialist representations and discourses concerning indigeneity and about the institutional practices of planning. Postcolonial perspective in planning can help “transcend the cultural and the broader ideological legacies and presence of imperialism and offers the possibility and methods of hearing and recovering the experiences of the colonized” (Sidaway, 2000, p. 595).

Indigenous planning theory and practice have focused largely on the post-settler states with the initial creation of the field emerging from the Western setting and institutions. Indigenous planning however can be expanded to include indigeneity claiming independence however still subject to forms of neo-colonization. Newer forms of planning emerging in these spaces are advocating for epistemology and culture – central to indigeneity. Indigeneity in these

spaces raise issues related to the development of place and to imperialist presence that oppresses and marginalizes Indigenous cultural practices and epistemology.

I agree with Allmendinger (2002) that Indigenous planning is more complex than a simple ‘read off’ from a combination of other kinds of theoretical understanding in a post-empirical perspective (p. 92). Defining and understanding Indigenous planning is an ongoing project bringing the complex and at times disparate experiences of the global indigeneity into focus. What remains significant for indigeneity however is the postcolonial turn in planning that is beginning to recognize and acts on the emerging challenges to planning in the space of indigeneity.

2.2 Postcolonial Critiques and Indigenous Epistemology

Indigeneity and therefore the concept of indigenous knowledge has often been associated in the Western context as ‘native’, ‘traditional’ and ‘primitive’. Such representations have evoked condescension from Western observers and have elicited little appreciation for the insight and understanding indigeneity might provide (Semali & Kincheloe, 1999). Although the meaning of Indigenous knowledge remains ambiguous, it has generally been defined as a body of knowledge associated with a fixed territorial space for a considerably long period of time (Fernando, 2003). Such systems of knowledge are informal, experiential, and uncoded compared to the knowledge systems associated with the Western sciences (Fernando, 2003, p. 56). A long-held assumption is that scientific knowledge, in search of universal validity, “has been clearly divorced from phronesis or practical wisdom” (Sandercock, 1998). This binary opposition between Indigenous knowledge and Western scientific knowledge continues to be reproduced in planning theory and practice and therefore unable to move the important work of planning forward.

Postcolonial theory has critically examined the ways in which Western theory and knowledge, have dealt with alternative voices and different ways of knowing. Sharp and Briggs (2006) write that a central tenet of postcolonial theory is its concern with the ontological and epistemological status of the voices of subaltern peoples in Western knowledge systems, and a postcolonial interrogation of the inclusion of indigenous knowledges in development (p. 664). Moreover, postcolonial theory works to “decentre ‘Western’ authority over knowledge, requiring ‘Western’ theory and scholarship not only to listen to ‘the other’, but acknowledge and fully incorporate differences to the broader body of intellectual theory” (Shaw et al., 2006, p. 271). Postcolonial critiques, in questioning the epistemological politics of knowledge production is now attempting to open up contested epistemological spaces urging for planning that acknowledges the importance and hence the value of bringing Indigenous knowledge into current planning practices.

In the very recent past, Indigenous knowledge was perceived to be an obstacle to development and therefore to the ‘modernization’ projects aimed for in planning. Planning projects involving indigeneity remained largely a ‘top down’ process preferring the methods of rational planning and the West’s ‘scientific inquiry’. Limitations of planning’s modernist epistemology has been recognized. Escobar (2004) asserts that modernity’s ability to provide solutions to modern problems has been increasingly compromised particularly with development’s inability to fulfill its promise of a minimum of well-being for the world’s people (p. 209). The subsequent turn towards Indigenous knowledge has been argued by some (Briggs, 2005; Escobar, 1995, Fernando, 2003) to be a way out of the development impasse. Thus, current writing concerning development planning would seek to ‘bring Indigenous knowledge into planning practice, to promote Indigenous knowledge and its use in bringing about a fundamental

change in the theory and practice of planning. Indigenous knowledge is understood to offer alternative ways of thinking about planning in postcolonial space, however, I argue that Indigenous knowledge as it is currently deployed in planning can be interpreted to be a validation of modernist planning practices.

New participatory practices have been recognized for giving voice to other ways of knowing, challenging the notion of planning as rational, instrumental and technical therefore rejecting the privileging of rational discourse. Recent planning literature has advocated for increased possibilities of drawing upon the Indigenous knowledges of particular communities involved in planning projects in an attempt to produce more effective planning processes. Briggs and Sharp warn however that this engagement with indigeneity has most often been at a technical or artefactual rather than fundamental or conceptual level (Briggs and Sharp, 2004, p 665). For example, a number of development planning projects have recognized the utility of indigenous ecological knowledge and have sought to integrate this knowledge into the planning and management of the environment and issues of natural resource management. As such, the utility of empirical information is shared, however, there is less engagement with the beliefs and worldviews framing that knowledge.

Postcolonial critique is concerned about the current engagement of indigenous knowledge in planning and the nature of this inclusion in planning discourse. Additionally, questions emerge whether academics and ‘experts’ in the ‘West’ are genuine in their engagement with indigeneity. Postcolonial theorists question the continued utilization of indigenous experiences in the West, but without opening up the process to their knowledges, theories, and explanations (Briggs, 2005). Thus, Briggs and Sharp (2004) write that the practice has been the utilization of the ‘subaltern’ experiences in the West, but without opening up the *process* to their knowledges,

theories and explanations. For local knowledge and narratives to be heard at all, they have to move to this central terrain, where they may be ‘accepted’ and subsequently appropriated (p. 665).

There has been limited discussion however in the planning literature about indigenous epistemology in the space of planning. Sandercock (2004) notes the historic failure of state-directed planning processes to recognize and validate indigenous knowledges and for the planner as researcher in accessing and foregrounding this knowledge...this is a complicated matter (p. 122). It is a complicated matter. One of the complexities deals with reconciling Indigenous knowledge and Western scientific knowledge. How Indigenous knowledge has been ‘defined’ and ‘represented’ in current planning practice reflected through such scholarly comments as “Western planners are trained to value more abstract and theoretical approaches” (Sandercock, 2004) is problematic. Gegeo and Watson Gegeo (2001) rightly claim that,

Knowledge, of course, is not the same as a theory of knowledge. Recording an account or interpreting some aspect of a culture (eg, kastom) is not the same as examining a people’s epistemology. The epistemological question, rather, is, How is that body of knowledge people call kastom put together? How is it theorized? More generally, how is knowledge of any kind theorized, created, reformulated, and encoded through a people’s epistemology? What are the epistemological strategies used to do this kind of philosophical work? Outsider researchers construct theories of other people’s cultures and therefore constitute an epistemological community – but it is not the epistemological community that created the knowledge they are retheorizing. (p. 58).

The inability to reconcile the two knowledge systems remains one of the most difficult areas that needs addressing in planning theory and practice. That is, to reflect on planning’s own

epistemological underpinning, to accept its limitations (Sandercock, 1998). Beyond this, is for planning to recognize as well as reconcile in planning theory the legitimacy of other knowledges. What Shaw et al. (2006) allude to when stating the need to ‘decenter Western authority over knowledge’...and...that if we are to truly decolonize (planning), the discipline needs a broadened understanding of indigenous perspectives and epistemologies (p. 273).

2.3 Postcolonial Critiques and Feminist Thought

Postmodernism has also found its place in feminist theory, particularly as it applies to difference. Earlier feminists criticized the idea that women have been defined as the 'other' by men. These discussions centered on challenging the male definitions of women and advocated for overcoming the ‘second sex’ status. These earlier claims of feminist theorizing however had given fuel to the universalist claims in human rights and therefore problematized the feminist project endorsed by the diverse women's movements.

“Third World” feminist critiques view the universalist discourse within feminist theory as oppressive, totalizing discourse of the white western domination and therefore question the very basis of the feminist project. These alternative voices within feminist theory have argued that the concern with the woman as 'other' emerged from the writings of white western middle-class women, whose sweeping statements were largely based on their own experience. Discussions within feminist theory therefore center on the experience of women as if the reality of white western middle-class women applied to women everywhere. “Third World” feminist critiques have usefully argued that feminist projects cannot discount the diversity of women's experiences and identities. It is therefore critical to eschew this strong essentialist agenda.

Alternative voices have been encouraged through postmodernity's discussion on difference particularly from postcolonial and Indigenous spaces. These once excluded voices

have emerged to challenge this universal view of women and have become increasingly vocal about their unique situations. From the postcolonial standpoint then, these universalist accounts of Western feminist theory are contrary to cultural diversity and are understood to facilitate the global imposition of western liberal values.

In her analysis of Western feminist writings on Third World Women, Mohanty claims that Western feminist have created the “Third World” women as an undifferentiated ‘other’ oppressed by both gender and “Third World” underdevelopment. Western Feminist, Mohanty (1988) suggests,

...discursively colonize the material and historical heterogeneities of the lives of women in the Third World, thereby producing/re-presenting a composite, singular 'third world woman'...carrying with it the authorizing signature of western humanist discourse ... assumptions of privilege and ethnocentric universality on the one hand, and inadequate self-consciousness about the effect of western scholarship on the 'third world' in the context of a world system dominated by the west on the other, characterize a sizable extent of western feminist work on women in the third world. (p. 53-54).

According to Mohanty (1988), Western feminist representations of “Third World” women are not neutral frameworks. Thus, she questions the production of knowledge about “Third World” women and argues that they have been defined as backwards, uneducated and needy and limited in their choices and freedom to act. As such, she claims that the “Third World” woman has been defined and represented according to Western standards and therefore shows the paternalistic attitude that Western women have toward their “Third World” counterparts and to the continuation of such hegemonic ideas of the superiority of the West reminiscent of “the colonialist move”. “It is in this process of discursive homogenization and systematization of the

oppression of women in the third world,” Mohanty concludes, “that power is exercised in much of recent Western feminist discourse” (Mohanty 1988, p. 54).

Mohanty’s critique of Western feminism provides a framework for discussing the position of Indigeneity, and specifically to speak to the position of the Palauan woman. “Third World” feminism is engaged here primarily because these discussions provide the space for diverse and multiple feminist perspectives of women in ‘othered’ space. More specifically, “Third World” feminism’s simultaneous engagement with postcolonialism and de-colonialism (Mohanty, 2003), is a starting point for discussing the differently positioned Palau woman. It does this through “the internal critique of hegemonic “Western” feminisms and the formulation of autonomous feminist concerns and strategies that are geographically, historically, and culturally grounded” (Mohanty, 2003, p. 17). “Third World” feminism is purposeful and ideological, and a mode of intervention into particular hegemonic discourses; it is a political praxis that counters and resists the totalizing imperative of “legitimate” and “scientific” bodies of knowledge (Mohanty, 2003, p. 18).

In her writing, Mohanty alludes to the cultural and historical specificity of “Third World” women reminding feminist of the importance of paying attention to “historical experience (that) illuminates the experiences of the others...and focusing...on the intersections of race, class, gender, nation, and sexuality in different communities of women (Mohanty, 2003, p. 242). Palau’s case reveals that women in Palau do not necessarily involve themselves in the demand for gender equality or radical cultural changes to achieve ‘feminist’ goals. Instead, they look to address contemporary challenges in collaboration with their male counterparts. They do this to strengthen their cultural ties and to ground themselves in their Palauan identity, to improve the living conditions of their clans and the community generally.

Postcolonialism's anti-imperialist stance is equally central to the "Third World" feminist ideas informing this work. Indigenous scholars (Trask, 1996; Arvin et al., 2013) claim that Western feminism imposes Western perspectives, largely overlooking the negative impacts of imperialism and colonialism on indigenous peoples. Thus, Arvin et al., (2013) argue that "allying one's self with feminism should not require consenting to inclusion within a larger agenda of whiteness; indeed, we believe that Native feminist theories demonstrate that feminisms, when allied with other key causes, hold a unique potential to decolonize the ascendancy of whiteness in many global contexts" (p. 11). Denying the ratification of CEDAW in Palau is understood in this sense to be a strategic means for resisting the global women's rights agenda and therefore to resisting imperialist tendencies.

What remains in the periphery of these discussions however is the unique position of Palau's women who speak to the feminist discourse from a matrilineal standpoint. The challenge here is, where do Palauan women's perspectives enter the discussion on current feminist theory and how does this position change the terrain of discussions as it relates to singular feminist representations and ideas?

2.4 Development Discourse and Indigenous Rights

Development emerged from that period after World War II when the West would endeavor to bring progress and modernity worldwide. It was during those early post-war years that the problem of 'underdevelopment' was constructed and imposed on a group of peoples without their consent or understanding. Thus, Escobar argues that development is what constructs the contemporary Third World, silently, without our noticing it (Escobar, 1992). It was assumed that 'Third World' peoples could be brought into the political and economic systems similar to those of the industrialized world. Escobar states that many countries started to

see themselves as underdeveloped and how to develop became for them a fundamental problem and how, finally, whole fields of knowledge and endless strategies were devoted to this task (Escobar, 1992, p. 413).

The modernization approach thus reflected the dominant assumptions of Western science and rationality – assumptions of a more advanced or refined position and thus a norm ‘from which others deviate in their fallibility’ (Briggs & Sharp 2004, p. 662). This norm required research that could provide a reliable picture of a country’s social and economic problems and identify a path towards the material conditions that characterize rich societies. Thus, Escobar (1992) argues that the process effectively linked forms of knowledge about the Third World with the deployment of forms of power and intervention, resulting in the mapping and production of Third World societies (p. 23). Development, has been the primary mechanism through which these parts of the world have been produced and have produced themselves, thus marginalizing or precluding other ways of seeing and doing.

According to post development critique, modernity’s ability to provide solutions to modern problems has been increasingly compromised, particularly with the apparent failure of the development project to deliver even minimum levels of well-being for many of the world’s people (Escobar 2004, p. 209). Continuing high rates of global poverty and growing economic differences between countries have shaken the certainty in the scientific path out of underdevelopment. Sharp and Briggs (2006) discuss the postcolonial concern about, even offence at, the arrogance of the dominating, universalizing discourse of the West, and particularly the extent to which it suggests that it alone has the answer to development problems. From a radical perspective, development is seen as little more than a neo-colonial project in the service of political and economic power, and hence continuing domination (Escobar 1995). In

this view, development praxis may perpetuate colonialist and western centered discourse and power relations, even as it seeks to focus attention on the marginalized (Escobar, 1995, p. 7).

Development reached indigenous communities through the modernization and the subsequent expansion of Europe into other areas of the world. Colonization brought with it new concepts and tools that enabled New World settlements and led to the manipulation and occupation of space at the expense of its indigenous inhabitants (Escobar, 1995). The project of development became one of bringing 'primitive' colonial peoples into the modern world. This has come at the cost of the Third World and specifically to spaces of indigeneity. It is the lands, living spaces and cultural traditions of the indigenous people, small farmers and urban poor that are sacrificed to the development cause (Bennett, 2012, p. 980). In many non-western societies, social relationships rather than material gain are prized...as such, development discourses can have dire consequences when exported to the non-liberal, community-based cultures (Bennet, 2012, p. 980).

The project of development and with it, implied modernization and progress, has been problematic for Indigeneity. According to Escobar, this requires a re-interpretation that makes visible modernity's underside and to those subaltern knowledges and cultural practices world-wide that modernity itself shunned, suppressed, made invisible and disqualified (Escobar, 2004). Bennett (2012) recognizes that “the knowledge, culture and values produced in the Third World are generally not recognized as valuable or useful to either the Third or First World (p. 983). The argument, however, for the recovery of indigenous knowledges and cultural practices is significant for indigeneity and specifically for the Pacific and Palau in arguing for the significance of ‘place-based’ epistemologies. This becomes critical as the Pacific indigeneity speaks back to global institutions and to the specific global policies imposed in this space.

The postmodern turn in development ideas and post development critique now commonplace in other parts of the world continue to be absent in the work on the Pacific. It is almost totally absent from the discourses of development planners, other than in rhetorical form, or as an explanation for failed projects (Connell, 2007, p. 117). Connell laments on the continued limited agency of the Pacific states in choosing their own destinies, indicting development planners and practitioners for imposing development experiences of other regions on the Pacific. The inherent need for all that is subsumed within the term ‘modernity’ – improved infrastructures, economic diversification and democratic institutions – these themes remain ever prominent in contemporary Pacific development strategies (Connell, 2007).

The development experience in the Pacific has been largely based on multi-lateral and bi-lateral relationships which have reflected the modernist tendencies of development and planning practices and therefore ‘top-down’ rationale models of development. In an accusatory stance, Firth (2007) notes the rhetoric of neoliberal development policies preached by economic advisers and consultants who are so thick on the ground in the Pacific Islands – they come from foreign governments, aid agencies, international financial institutions, regional organizations, and some nongovernmental organizations. Pacific Island governments, having little alternative, endorse what they recommend (p. 111). Similarly, Storey and Murry (2001) write about the ascendancy of development policies that are far narrower in scope and orientation, and argue that Pacific states and peoples are being strongly encouraged to ‘adjust’ to emergent neoliberal ‘development’ ideologies – this ‘adjustment speak’ now accompany nearly every national budget, regional meeting and policy statement of national leaders (p. 293). This is the challenge of development in the Pacific and Palau.

While the turn to culture has been recognized as an influence on the structures of development and change, this has not translated well to development policies and practices on the ground. Most institutional reports continue to see it as a brake on development rather than at least a condition of development and a means of reaching a satisfactory endpoint (Connell, 2007, p. 122). Moreover, the occasional implicit nods of approval towards the usefulness of 'local' solutions continue to eschew the cultural systems (and especially land tenure systems) often portrayed as obstacles to economic growth and development (Storey and Murry, 2001, p. 293).

2.5 Conclusion

This chapter has engaged the postcolonial discourses and brings together post development and “Third World” feminist theory to explain the currently positioned Indigeneity in planning practice. More specifically, this work has engaged the postcolonial ideas of representation and universality to show how indigeneity continues to be defined and treated in much development planning discourse and why planning needs to continue to open up the spaces for alternative interpretations of that reality. The postcolonial discourses together frame the Pacific Indigeneity that challenges the epistemological dominance of the West and allows for a (re)articulation of Indigeneity that ‘speaks’ back to imperialist knowledge systems.

CHAPTER 3: METHODOLOGY

The current focus of international development taking place in Palau and the subsequent promotion of women's human rights has been largely driven by external processes and therefore overlooking the local community's ability to define solutions to newer development problems. Indigenous epistemology therefore becomes a critical position in which to understand local resistance to international imperatives and the desire for self-determination and empowerment. This particular study takes the women's human rights movement as a topic of interest and specifically looks at the CEDAW ratification process taking place in Palau. I focus on the internal process of ratification including external factors driving the movement for ratification of CEDAW and the various instruments of advocacy. I do this through exploring the following questions – “Why in a matrilineal society where women hold an elevated status would Palau remain one of the few nations in the UN to resist ratification of the CEDAW?” “What were the cultural claims upon which these objections were made? And what does this case imply about the imposition of Western epistemologies on indigenous societies?”

3.1 Theoretical Framing and Research Approach

My starting point for seeking an understanding of the story of CEDAW in Palau is informed by the work of Linda Tuhiwai-Smith in *Decolonizing Methodologies: Research and Indigenous Peoples*. I am guided by the material from Tuhiwai-Smith's work to further my purpose in this chapter with an aim to neutralize “Western paradigms of research and knowledge from the position of indigeneity (Tuhiwai-Smith, 1999; Tuhiwai-Smith, 2012). This positioning allows me to confront issues of research in my research setting and how best to approach them. *Decolonizing Methodologies* offers an understanding of what constitutes the indigenous ‘Other’ and offers a set of protocols on how to conduct research involving indigenous communities. I

have used these guidelines in choosing the methods of research recognizing the need for respecting indigenous ethics and the considered impact of the outcomes of research on my community and people of Palau.

A significant contribution of *Decolonizing Methodologies* and one that is relevant for both the non-indigenous and indigenous researcher is in alerting researchers to the challenges of working with indigenous communities and to recognize that the responsibility of research requires being attentive to the cultural politics of knowledge, its production and the recognition that knowledge is a cultural artefact which reinforces social, political and economic norms (Tuhiwai-Smith, 1999; Tuhiwai-Smith, 2012). It is critical to recognize that as researchers, we speak from multiple positionalities – as (planners), and for some of us positioned as the feminized and/or indigenous ‘other’ of the academy – but also as researchers who need to be alert to the politics of our positionalities in the fieldwork process (Shaw, Herman and Dobbs, 2006, p. 273). For researchers, one of those levels is concerned with having a more critical understanding of the underlying assumptions, motivations and values which inform research practice (Tuhiwai-Smith 1999, 20). *Decolonizing Methodologies* therefore demands that researchers be mindful of how research can be used, and by whom, therefore, to consistently question who benefits from research.

Tuhiwai-Smith reminds us about the power of research and how it is implicated in the representation of the ‘Other’ (Tuhiwai-Smith, 1999). The issue of representation and questions of positionality and reflexivity should be the concern of planning, more specifically planners who work with indigenous communities. Reflexivity becomes critical for my work as an indigenous researcher as I learn to decouple from my western academic training, to recognize the unconscious acceptance of what has been learned to be the ‘truth’ in western academic

scholarship. As academics and researchers, we produce “knowledge” through the “truths” that we present and deliver, therefore great care must be taken so as not to advocate for an ideology that has shaped our education and which continues to make demands of our loyalty (Thaman, 2003). This is a significant reminder for indigenous researchers trained in western institutions and is one of the challenges that I face in my research work. Reflexivity is central to my research approach and the recognition of my position as a western academic, the knowledge that I have accumulated from my academic training and how this influences my thinking and approach to conducting research in Palau. I am therefore mindful of my position and academic background. I also understand the indigenous frustrations of research taking place in our communities and the questions of who benefits from research and for what purpose. I see this taking place in Palau; therefore, it raises my sensitivity to the way that I too am implicated in this research exercise at home.

Given the context of my work it became very important for me to not only reflect on the process of doing research at home in Palau, but to think about as well the theory driving the actual research work itself. I spend a significant amount of time discussing issues of research in indigenous space because there continues to be a lack of understanding and motivation to reflect on current research practices in Palau and how these practices impact the Palau community. My own experience in academia and my academic training in what legitimate ‘research’ should be has served as an impetus for finding more appropriate ways of doing research in Palau. I am somewhat distrustful of the current ways or methods of producing research largely because there has been very little critique on how research work is conducted in indigenous settings. More specifically, there continues to be a disregard for the significance of indigenous epistemology and for the ways in which indigenous processes and knowledges may lead to better outcomes for

the communities that are at the end of Western led academic research. The aim is therefore to engage in issues of research in indigenous settings and to explore alternatives to doing research in these settings. Conducting research for indigenous purposes and from indigenous perspectives allow indigenous scholars to use indigenous epistemology to create space for what is meaningful and logical in relation to indigenous peoples' understanding of themselves and the world. This process also allows indigenous research processes to operate beyond the periphery of western epistemologies and to present an alternative suited to indigenous ways of thinking.

Decolonizing Methodologies is a critical framework which gives the necessary context for doing research in indigenous settings. Kovach (2010) points out however that 'while a decolonizing perspective remains necessary and can be included as a theoretical positioning within research, it is not the epistemological centre of an Indigenous methodological approach to research (p. 42). She further rationalizes that paradigmatically speaking, a decolonizing perspective and Indigenous epistemologies emerge from different paradigms and that decolonizing analysis centers the settler discourse, whereas an Indigenous paradigm centers Indigenous knowledges. Indigenous methodologies are a paradigmatic approach. I recognize the argument that Kovach is making here about the distinction between a decolonizing perspective and indigenous methodologies and I have earlier discussed the framework of this research project which is clearly positioned within the decolonizing perspective. I argue however that paradigmatic approaches "rooted in indigenous practices...is of little use...if these methodologies do not also promote emancipatory agendas that recognize the self-determination and inherent sovereignty of indigenous peoples (Brayboy et al., 2012, p. 443). I expand on and frame my research work within the decolonizing methodologies framework because "research" remains largely an activity that marginalizes indigeneity steeped in the ideas of western research.

It is therefore critically important that this research work is framed within this decolonizing framework to give context to the approach that I have taken here in doing research 'home'.

In thinking about an approach more appropriate to my research study, I settle on Tuhiwai-Smith's interpretation of 'representation' and adopt a more critical approach to my ethnographic research work. Representation is central in approaching research in indigenous communities and in this case, research in Palau. Earlier research in Palau had been the purview and domain of outsiders and had largely marginalized local views and understandings. Kesolei (1977), an indigenous Palauan 'anthropologist' rightly argues that,

educated people from the so-called "developed" countries...labor under a great illusion in their dealings with people from the so-called "underdeveloped" countries, like Palau.

That illusion is that academic study of itself, furnishes them with a full understanding of the Palauan culture...Many of them are chock-full of theories and learning and are terribly sure that they know best. Some do, but most neither know enough about nor respect the values and the traditions of the "underdeveloped" people whom they propose to instruct. (p.1).

In discussing research in indigenous settings, indigenous authors (Tuhiwai-Smith, 1999; Thaman, 2003; Brayboy et al., 2012) make clear how Indigenous communities have struggled since colonization to be able to exercise what is viewed as a fundamental right, that is to represent ourselves. Representation of indigenous peoples by indigenous people is about countering the dominant society's image of indigenous peoples, their lifestyle and belief systems. It is also about proposing solutions to the real-life dilemmas that indigenous communities confront and trying to capture the complexities of being indigenous.

This stance has led me to applying a critical ethnographic lens in my research work and

therefore beyond merely being concerned with cultural description of Palau's traditions. I have endeavored to insert “voice” into my research process and therefore to “position the research participants at the center of the study highlighting their ideas and experiences that are in opposition to the dominant discourse” (Castagno, 2012 p. 382). Critical ethnography brings to the fore “systems of power, prestige, privilege, and authority serving to marginalize individuals who are from different classes, races, and genders (Creswell, 2007). It additionally highlights resistance— that is, opposition to the marginalization and oppression experienced either by an individual or by a group of which an individual is a member (Castagno, 2012 p. 377). Utilizing the perspectives of critical ethnography for my own work brings a certain level of empowerment thus enabling the Palauan community to speak for themselves. My approach to research work in my community has been to look for alternatives that would bring the voice of the community forward and to reflect their needs and desires. Additionally, I am made more reflective of the 'research process' itself and am forced to rethink what it is that I am trying to study and to understand and how finding these answers can benefit my community.

3.2 Challenges of an Indigenous Researcher

Doing research of 'home' inevitably brings up a number of challenges. One of those challenges relates to the insider/outsider dilemma in research however made more acute as I take on the role of the researcher in my community. Teaiwa (2004) speaks directly to this same dilemma of doing “homework” and her “deeply troubling experience of navigating contexts in which (she) was neither insider nor outsider,, both, or somewhere in between” (p. 217). Indigenous research approaches problematize the insider model in different ways because there are multiple ways of both being an insider and an outsider in indigenous contexts (Tuhwai-Smith, 1999, 137). One of the ways in which this insider/outsider dilemma emerges is through

the 'Othering' of the indigenous researcher. Tuhiwai-Smith writes that a number of issues can present special difficulties for indigenous scholars stating that Western education precludes indigenous peoples from writing or speaking from a 'real' and authentic indigenous position. This positions indigenous intellectuals in some difficult spaces both in terms of relations with indigenous communities and within the Western academy (Tuhiwai-Smith, 1999).

Tuhiwai-Smith additionally alerts researchers to the outcomes of research projects within indigenous communities. "Insider researchers have to have ways of thinking critically about their processes, their relationships and the quality and richness of their data and analysis ...so too do outsiders, but the major difference is that insiders have to live with the consequences of their processes on a day-to-day basis forevermore, and so do their families and their communities (Tuhiwai-Smith, 1999, 137). I recognized early on in my dissertation work that there were real and different challenges I faced as an indigenous researcher. I continue to reflect on my research journey recognizing the implications of my research on the relationships within the Palau community. I am cognizant of the fact that I write from an indigenous and Palauan standpoint and therefore there will inevitably be interpretations of my work which will reverberate throughout my community. As an insider researcher, I am reminded to be "ethical and respectful", critical components of learning from my own community and "to be humble" because I belong "to the community as a member with a different set of roles and relationships, status and position" (Tuhiwai-Smith, 1999).

Immersing oneself in a place where one is studying is difficult when one is not from that place. However, I would argue that as a person of the place, speaking from a Palauan insider and an academic outsider who has been away from home for a number of years, it is very challenging. This position is made more difficult as legitimate questions about research and what

it means for indigenous communities emerge. Tuhiwai-Smith writes about the word 'research' and how it has taken on negative connotations in indigenous communities. Kesolei (1977) additionally points out that 'researching' has been a domain of outsiders motivated to learn about cultures without recognizing the implications of their own interpretations and representations of indigeneity.

One of the more interesting dilemmas that I faced in my research work is the issue of 'being a researcher'. Some of my friends, relatives and others who had heard of my research interest would invariably ask why I was interested in pursuing research on that specific topic. What was the motivation to know what happened in this case? How would I use this information? Some of the informants that I approached would question my interest in 'researching' and the motivation behind the research.

Can the native also do research and why do you want to research your own people? There is a tendency for others not to quite know how to react to an indigenous researcher. How much information is given becomes quite challenging. When an outsider researches, there is an absence of close scrutiny – after all the outsider is coming in to research and will eventually leave. The outsider does not stay around and so whatever I say does not stay in Palau. With a Palauan however, questions such as “how should I give this information”, “how will it be used” emerge. It is easier to explain away a non-Palauan and their research interest than a Palauan who will stay.

3.3 Data Collection: Relational Worldview and Storytelling

My research work centers critical ethnography as a way to gather the important stories in the community related to the CEDAW ratification process. This orientation has been further supported with two approaches that are reflective of indigenous context and worldview, two

approaches that are also central to doing research in the Palau setting.

The first of these approaches deals with the 'relational worldview' present in many indigenous communities. Reflecting on his own research process in indigenous communities, Michael Hart writes about the centrality of relationships. More specifically, he writes that "it is apparent to me that these and other discussions of Indigenous worldviews highlight a strong focus on people and entities coming together to help and support one another in their relationship (Hart, 2010, p.3). Referred to as a 'relational worldview' by indigenous researchers (Graham, 2002; Kovack, 2010), this approach to research focuses on the spirit and spirituality and, in turn, a sense of communitism and respectful individualism (Hart, 2010, p.3). My interpretation of 'communitism' and related to what Hart writes about is the sense of community that is pervasive in indigenous communities and has often been written about in anthropological texts as communalism. The other aspect of 'relational worldview' that Hart discusses deals with respectful individualism and therefore a way of being where an individual enjoys great freedom in self-expression because it is recognized by the society that individuals take into consideration and act on the needs of the community as opposed to acting on self-interest alone (Hart, 2010, p.3). The 'relational worldview' thus becomes an important approach to research in Indigenous communities. Moreover, while certain western research paradigms frown upon the relational because of its potential to bias research, Indigenous methodologies embrace relational assumptions as central to their core epistemologies (Kovack, 2010, 42).

The other approach that informs my research work reflects the 'storytelling' or conversational method. Kovack writes that the conversational method aligns with an Indigenous worldview that honours orality as means of transmitting knowledge and upholds the relational which is necessary to maintain a collectivist tradition. Moreover, that story is congruent with the

relational dynamic of an Indigenous paradigm (Kovack, 2010, 43). Tuhiwai-Smith (1999) advocates that storytelling, oral histories, the perspectives of elders and of women have become an integral part of all indigenous research. As a research tool, storytelling is a useful and culturally appropriate way of representing the 'diversities of truth' within which the storyteller rather than the researcher retains control (p. 145). She (1999) further writes that:

Intrinsic in storytelling is a focus on dialogue as conversations amongst ourselves as indigenous peoples, to ourselves and for ourselves. Such approaches fit well with our oral traditions which are still reality in day-to-day indigenous lives. Importantly, storytelling is about humor and gossip...their themes tell us about our cultures. Stories employ familiar characters and motifs which can reassure as well as challenge. (p. 144).

Approaching the 'interviews' as a storytelling dialogue created an environment of trust and reciprocity with the individuals I sought stories from. Storytelling also allowed for a more grounded conversation in both the part of the informant and myself, reflecting as we talked about the CEDAW process. It additionally created the space for the informant to tell their story on their own terms.

These theoretical perspectives have been very useful in this dissertation, particularly the work of Linda Tuhiwai-Smith and other indigenous researchers writing on the topic of indigenous methodological frameworks including the works of Kovack (2010), Hart (2010) and others. And although they make a clear argument for the expansion of the idea of decolonizing methodologies and that in this way this is narrow it is nevertheless useful in my particular work. As an overall framework for approaching research, it becomes a very useful tool in reflecting on the purpose of research and how it has been previously experienced in indigenous communities.

Indigenous methodologies approach cultural protocols, values and behaviors as an integral part of methodology. Thus, they are ‘factors’ to be built into research explicitly, to be thought about reflexively, to be declared openly as part of the research design (Tuhiwai-Smith 1999, p.15).

3.4 Navigating Cultural Protocols and Relationships

Getting ready for 'fieldwork' at home presents many challenges. Western academic training does not prepare indigenous researchers nor are there clear manuals with a set of directions on how one approaches doing research at home. Indigenous scholars, (Chilisa, 2012 ; Kovach, 2010; Kurtz, 2013; Tuhiwai-Smith, 1999; Tuhiwai-Smith, 2012) among others have written about research in indigenous communities and have variously discussed approaches to doing research in indigenous settings.

A small number of Palauans have pursued research at this level and specifically for their own work. Other Palauans who have been involved in research, however these projects have been more applied in nature and regularly with an outside counterpart. Few actually do 'research' for themselves. Realizing that this research journey would most likely be a solitary endeavor with potential challenges needed to be shared with others of similar experience, I had to quickly find other Palauans doing research at home and to see if we could compare notes on how to research 'home'. The other doctoral student who was actively working on his research at the time happened to be a relative, as happens in a small community. His research focus was in an entirely different field although there were similar issues on methodologies and protocols that we had to work through in our own research work. Through shared bits of knowledge, I learned that he had built a significant network of people around him to support his research work. This network included community partners, project collaborators as well as an academic support group largely in his field of study. Additionally, the projects he worked on were directly related

to his research and therefore enabling him to be 'close' to his research and the network of people involved in the projects. This was a clue that prompted me to think about my own research work and how to build the same network to support my research.

At the same time that I was establishing myself at home, there were other graduate students from the United States, Europe and Japan doing research in Palau. I noticed that these other students were not nearly as anxious about their research projects, the processes of creating relationships and how the nature of those relationships could potentially impact their research. Perhaps I was overly sensitive to these things. It seemed so easy for these other students to land in Palau, find persons or agencies to host their research and work and in a short span of time were able to gather the data they needed for their studies. I have to admit that I was envious of their positions. While they seemed to have a more compact process for their research, I spent some time trying to connect with persons who would likely be key informants in my study. I was initially quite disconnected from the community - I was not working at the time so it seemed as if I was spending my time fleeting from cafe to cafe, library to library, function to function trying to connect to people. And most interestingly, people were busy. There was always a meeting to go to, customary obligation to attend. I was largely outside of the busyness of the community. Outside of their 'radar'. It was a strange few months until I came to the realization that I had to find something to do to fit with the community – to fit the rhythm.

My assumptions about researching home being something that could be managed was not realistic. In fact, because I had been away for over a decade, I had to relearn about Palau, reacquaint myself with families and friends and the larger community. My connection had become tenuous in my absence. I initially felt like an outsider and at times was treated like an outsider. Those 'oddities' that I had picked up while outside of Palau were pointed out to me by

well-meaning friends and family. I had to first reclaim my Palauan identity - that is because I had been away for over a decade visiting only occasionally, I had tenuous connections to the community. I was that hybrid person who was a Palauan ethnically - however acted like an outsider. I had adopted mannerisms that immediately got myself labeled as an outsider and therefore not freely included in discussions - really in the mainstream of things. Often I heard such questions as, "How long are you here for?", "Will you be leaving after you have finished your research?". Additionally, retraining myself to speak Palauan was really quite challenging. Outside of Palau, I had become so used to speaking English that my Palauan was not necessarily the first language I responded with and although most people speak English in Palau, being recently returned home and being unable to speak Palauan fluidly marked me - I was a new arrival. This presented real issues when talking to people, I had to find the right words to say so that I could explain clearly what my research work was about and why I was doing research. One of the ways that I recognized that I was now 'in Palau' was when others started to ask how long I had been home. Or hearing statements such as " why have I not seen you around"? It took more than a year to be 'integrated' back into the community, to be 'accepted'.

A chance post with the Office of Gender under a national government ministry became available. My initial interest in the position stemmed from the similarities, particularly the issues I was attempting to work through in my dissertation work. At the same time, I was becoming more aware of the need to affiliate myself with an organization or agency focused in an area similar to my research interest. "Affiliation" was critical in my research process helping to place me more directly in the work related to my research and therefore for the community to clearly identify my work and research interest. This is not unusual as I had discovered this in previous research work as well as community meetings that affiliation is significant in establishing a

relationship with informants. This process of identifying who I am, my clan and my research work facilitates a better understanding of my research standpoint and therefore allowing individuals interested in 'talking story' with me to better adjust the filter for the information shared with me. As an insider outsider researcher, I was “aligning myself with an (agency) so that I could fit into the established order” (Kesolei, 1977).

My position with the Gender Office added to the networks and subsequent identification of key informants in the CEDAW ratification process. It additionally brought me into an alternative space to observe and listen to some of the concerns of the community related to gender equality and similar gender issues. It provided a more intimate relationship with my case study which allowed for a deeper understanding of the politics and the underlying tensions of the CEDAW process. “Aligning” myself with the Gender Office facilitated observations and responses from the different stakeholders from agency level to the individual level and to the positions of persons directly or indirectly involved with the CEDAW. In navigating the boundaries between Gender Office work and dissertation work, I made certain that interviews took place after work and that those who would share their knowledge were aware that I was doing research work towards my dissertation. Additionally, at the time of my tenure as Head of the Gender Office, the CEDAW ratification momentum was largely absent with much of the work focused on other aspects of Gender such as gender-based violence and gender mainstreaming. To some degree, the research facilitated a deeper understanding of the CEDAW and the women’s human rights work which became necessary knowledge for the Gender Office work.

I was fortunate that my work with the Ministry of Community and Cultural Affairs through the Gender Office presented an opportunity to interact with the Mechesil Belau as the

Secretariat for the Annual Conference of the Mechesil Belau. Taking up the role of the Secretariat for the Mechesil Belau Conference meant that for nearly three months prior to the conference, I would have the privilege of being with the Mechesil Belau as they plan and organize for the Conference. This meant spending at least 3-4 hours each week with the titled senior women and more as we neared the conference date. This opportunity allowed me to observe the meetings including the process, topics of discussion and interaction among these women. I found the process to be quite enlightening, structured however with an open dialogue and space for debate and consensus building. I was additionally fortunate that my initial experience with the Mechesil Belau was facilitated by the late Senator Kathy Kesolei who had served as a mentor. Her initial guidance was very valuable in helping me navigate the challenging protocols in my interactions with the Mechesil Belau.

3.5 Knowledge as Privilege

Research remains difficult in Palau's community particularly for indigenous researchers in the social science disciplines. This reflects the unwillingness of Palauans to share knowledge, particularly knowledge related to history and genealogy. There remains secrecy and related power in maintaining control over knowledge, how it is transmitted and verified. Kathy Kesolei, in her paper delivered at a Micronesian Seminar in the early 1970's deals specifically with challenges in accessing knowledge in the Palau research setting. Kesolei writes principally about the foreign researcher as at the time most if not all of the research done in Palau was conducted by non-Palauans. I feel however that the challenges she poses for the non-Palauan researcher are relevant and apply as well for Palauan researchers. Moreover, I sense that it is much more challenging for a Palauan researcher – acquiring guarded knowledge becomes a much more challenging endeavor for the local person.

Kesolei discusses at length attitudes and practices that challenges a researcher's access to Palauan knowledge. Primarily she talks about the restriction of information and the prevailing thinking that only a limited group can claim to know something whether they know it or not (Kesolei 1977, p. 4). In seeking information about the CEDAW process in Palau, I had to be mindful of this restriction to knowledge and therefore was careful in identifying and cultivating specific relationships which would enable the sharing of guarded information. Identifying the right knowledge holder is additionally a concern of Kesolei. Kesolei (1977) strongly argues that:

Everyone in the academic world ought to be cautious about the information they gather on Palau until they get the backing of reliable Palauans...Non-Palauan researchers ought to bear in mind this opposition: on the one hand, the recognized authorities whom Palauans regard as having the last word and, on the other hand, the confidence non-Palauan readers usually place in authors who have taken a reasonable amount of time and effort with their research in Palau. Such time and effort sometimes bear tainted fruit. (p. 7).

The restriction to knowledge that Kesolei writes about limits access, however, she has also shared how the proper identification of knowledge holders positioned to speak for the relevant topic can help overcome some of these barriers.

An additional concern and one that Kesolei also writes about is the part of Palauans not willing to make their knowledge public (Kesolei, 1977, p. 6). She argues that a non-Palauan researcher who makes public a Palauan's knowledge is taking a risk in alienating oneself not only from the informant but with the larger community as well. This becomes quite problematic for me. Throughout my research process I have agonized necessarily over how to (re)present the knowledge that has been shared with me. As discussed in previous sections of this chapter, being

an 'insider' researcher is made more challenging when writing about what has been learned in the research process. This is because I am embedded in the community that I am doing research and I will continue to be a member of this community when the study is concluded.

What differentiates my work from others purely based on oral history or similarly related field is the local perception that CEDAW remains 'outsider knowledge'. From the perspective of the knowledge holders and those involved in the ratification process, CEDAW is viewed as an international instrument and therefore based on outside knowledge and ideologies not necessarily identified with Palau. Because the knowledge that CEDAW promotes is considered external and therefore imposed, responses to queries of CEDAW are freely expressed. Additionally, and unlike epistemology indigenous to Palau, CEDAW knowledge is not as closely guarded. This has been very useful in my research project as it has opened the space for interest and genuine discussions regarding CEDAW. Where it became more challenging were the in-depth inquiries into the specifics of why CEDAW has not been ratified. Here then I am confronted with the challenges of being able to get specific information about CEDAW. The more personal stories are not necessarily revealed, the relationships and the outcomes. The task was then to recognize that obtaining knowledge does not come necessarily from asking questions even asking the 'right' questions. In the Palau setting, learning and gaining knowledge comes from a genuine place of interest that is coupled with patience to sit and observe and to listen and therefore being open to receiving the knowledge and information at the right time and in various ways.

3.6 Seeking Knowledge

Informants are "sources of information about what the observer has not or cannot experience, as well as sources of explanation for events the observer has actually witnessed. Informants are people who are particularly knowledgeable about the inquiry setting and

articulate about their knowledge, people whose insights can prove particularly useful in helping an observer understand what is happening and why" (Patton, 2002, p. 321). In the Palauan context, the informant is the holder of knowledge and has a significant role in this research study. Primarily, they provided knowledge and experience of the CEDAW ratification process. Knowledge holders were additionally important as they shared knowledge about the dynamics of the process and the network of relationships and relevant details. Finally, they brought their own subjective assessments of the Convention including the processes. Knowledge holders were asked to participate in the interview process because they were at one point involved in Palau's CEDAW ratification process.

Interview schedule largely accommodated storytellers' schedules. There were cancellations and additional waiting time to hear back from the informants for a more appropriate date. This allowed the storyteller to control the interview process and enabled the storyteller to own it as well. I am appreciative of the circumstances that led to an extended period of time in the 'field' doing research as it allowed me to cultivate relationships which were key for sharing information and stories about the CEDAW ratification process. Most importantly, it facilitated my adherence to local protocols and in seeking permission to interview individuals. Interviews were conducted in Palauan as much as possible however despite the interview questions written in English, I was able to translate to Palauan when necessary. I found that Palauan language usage throughout the interviews was essential in order to capture the meanings of cultural practices, values and principles as well as to convey questions in a manner that facilitates ease of understanding.

I was able to have those long conversations with 23 persons, 10 knowledge holders agreed to a more focused interview and together with the initial group of storytellers became

central to creating the story of the CEDAW ratification. Of the remaining 10 knowledge holders, most were women, four were men. Three of the informants were either former or current members of the Olbiil er a Kelulau (Palau National Congress) and two were active members of Congress during the CEDAW ratification process. These two members were active during the introduction of the CEDAW in Olbiil er a Kelulau. The other Congress member served as a translator during the CEDAW awareness campaign. Three of the knowledge holders were members of the Mechesil Belau and were also active during the Convention's ratification process. Two of these women are titled, one is currently the highest-ranking female chief in the Southern Confederacy and the other the highest-ranking female chief from one of the four primary villages in Palau. Two former Ministers also agreed to share their stories – one, the former Minister of State and the other, the former Minister of Community and Cultural Affairs. The former Head of the Gender Office who was also involved in some of the Asia Pacific regional and Pacific sub regional meetings on the topic of gender and CEDAW gave insight to the CEDAW process. The other knowledge holders provided general knowledge of the CEDAW process and gave their own assessment of the ratification process including recommendations more focused on building awareness and how to approach the more contentious topic.

3.6.1 Interviews

To gain a fuller understanding of the dynamics of the CEDAW process in Palau, interviews became an important data collection technique and the main source of data for this project. According to Patton, interviews "allow us to enter into the other person's perspective" and assumes "that the perspective of others is meaningful, knowable, and able to be made explicit" (Patton, 2002, p. 341). Additionally, interviews are conducted to "find out what is in and on someone else's mind, to gather their stories" (Patton, 2002, p. 341).

I conducted interviews using a combination of approaches that made use of both informal conversational interviews or 'talk story' and the standardized open-ended interview. I first approached potential interviewees by engaging them in conversations about CEDAW. Interviewees were made aware of my research interest and if they were not aware of my position as the Head of Gender Office, I also made that known. Most of the individuals I approached were aware of my position and when hearing about my interest in studying the CEDAW process, were interested to see what my findings would be. The informal conversational interview approach or 'talk story' enabled me to gauge the level of comfort as well as the interview style of the individuals I talked to. During this initial exploratory talk story, the individual was able to let me know if she/he would continue with a more involved interview at a later date – some of the persons that I approached chose not to continue on with a more in-depth interview and asked not to be named in the research work however assuring me that if I needed to use some of the contents of the interview, I could do so. This was also the point where some interviewees decided what specific information I could use. These 'talk story' conversations were also useful in discovering recurrent themes which further helped in extending the set of questions for the standardized open-ended interviews adding to a more nuanced conversation about the CEDAW process. The second round of interviews really continued an organic and seamless process of refining specific questions for the individual and took a more focused yet easy conversational form. I used these two approaches continuously throughout the research study to help me identify and refine emergent themes.

I took handwritten notes during the talk story interviews without audio recording. The second round of interviews were audio taped and transcribed using digital media. Transcriptions of the interviews were made available to participants for review and to help verify and validate

information observed and /or transcribed by the researcher – this also served as a means for participants to check and critique the collected data. In reviewing the data, participants also helped in providing material and feedback for further investigation and triangulation.

Handwritten notes were taken during the interviews for the purposes of extending questions.

These notes were also used to further investigate relevant topics or issues.

3.6.2 Document Analysis

Document analysis is a systematic procedure for reviewing or evaluating documents—both printed and electronic (computer-based and Internet-transmitted) material (Bowen, 2009, p. 27). Bowen (2009) further states that as a research method, document analysis is particularly applicable to qualitative case studies – intensive studies producing rich descriptions of a single phenomenon, event, organization, or program. This particular study draws on a number of different types of documents to help create the story of the CEDAW ratification process in Palau.

Documents were selected according to their relevance for the research interest and in being able to answer or clarify the research question. Additionally, documents were selected to expand my knowledge of the CEDAW instrument itself including supporting documents that enhanced the background and understanding of the CEDAW process in Palau. These documents provided the context of the ratification process including the dynamics of the different agencies and groups involved in the process. This became central to the research in providing that critical historical insight particularly "...when events can no longer be observed or when informants have forgotten details. Such information and insight can help researchers understand the historical roots of specific issues" (Bowen, 2009, p. 30-31). Information drawn from the document reviews was very helpful in confirming data collected during the interviews as well as clarifying and expanding on gaps identified in the interview data. In this way, documents not only provided

supplementary research data, they also provided information and insights valuable to the knowledge base of the research project (Bowen, 2009).

Over the course of the research project, I accumulated a significant number of documents that I had to systematically review for relevance to the research project. Most of the documents were accessed from regional organizations websites such as the SPC and PIFS, including the various agencies of the UN such as the OHCHR, UN Women, UNDP, UNEP etc., as well as educational institution libraries such as the University of Hawaii, the Palau Community College among others. Additional Palau specific documents were accessed from the Palau Bureau of National Archives and Research, the Belau National Museum Archives including access to documents through the Ministry of Community and Cultural Affairs' Gender Office. In reading through the documents, I had to note relevant information and mark documents that would be part of the document database for my own research work. Some of the documents included:

- Legal documents such as the Palau National Constitution, CEDAW, domestic legislation relating to CEDAW such as those relating to land use rights and age of consent
- Conference documents such as the Mechesil Belau annual conference outcomes and resolutions; Triennial Conference of the Pacific Women reports
- Reporting documents for the Pacific region and the UN such as the Beijing 20+ Palau Review, Palau Gender Stocktake review
- Findings documents of Gender Mainstreaming and Gender Training workshops and meetings

An additional usefulness of documents is as a means of tracking changes in the CEDAW ratification process including changing positions and substance of reports and documents.

Where various drafts of a particular document are accessible, the researcher can compare them to identify the changes. The researcher may also examine periodic and final reports (where available) to get a clear picture of how an organisation or a program fared over time (Bowen, 2009, p. 33).

Interpretation of document contents requires a careful review of the different styles of the documents and therefore purpose. More relevant for this research project was the translation of documents into the Palauan language and the deployment of the specific language of the CEDAW from interviews. Document data showed the conflicts in the way that the key elements and concepts of the CEDAW were translated and used in the ratification process. Moreover, data showed clearly the difficulty in translating concepts into the Palauan language. Document analysis becomes critical in identifying these epistemological gaps that underpin specific concepts and their subsequent understanding and deployment.

3.7 Data Analysis and Interpretations

Given the significant amount of data and the overwhelming task of mining this data for useful information, I am mindful of Patton's (2002) advice:

Qualitative analysis transforms data into findings. No formula exists for that transformation. Guidance, yes. But no recipe. Direction can and will be offered, but the final destination remains unique for each inquirer, known only when – and if - arrived at. (p. 432).

The steps I took towards understanding the story of CEDAW in Palau included reviewing the accumulated raw data and developing a classification or coding scheme to determine how the data would speak to the story. I adopted the process outlined by (Saldana, 2009), the First Cycle and Second Cycle methods and being mindful of the guidelines that he offers particularly the

reflective questions that guide the coding process. As I waded through the large amounts of data, I became additionally conscious of my personal involvement as a participant observer and therefore how I perceived, documented and therefore coded the data (Saldana, 2009).

The First Cycle methods included an initial coding which began with a coding phase that allowed for the data to be examined closely and in discrete parts thus allowing for comparing them for similarities and differences. The immediate goal remained being open to all possible directions and to reflect deeply on the contents and nuances of the data (Saldana 2009, p. 81). Initial coding was a critical approach to first analyzing the data accumulated from the interviews, observations and documents important to understanding the CEDAW ratification process in Palau. Making sense of the data required an iterative and differently layered process beginning with noting “first impression” phrases from an open-ended process – the initial coding process.

Coding requires an analytic lens, however what is perceived and interpreted depends on the type of filter applied by the researcher (Saldana, 2009). With this in mind, I chose to employ the following three coding methods in the First Cycle process – In Vivo Coding, descriptive coding and versus coding. The task of coding categories or classification was made more complex as I worked with data reflecting indigenous concepts and categories. Additionally, the difficulty in translating between Palauan and English required coding that would honor and prioritize indigenous voice. The goal was not to merely describe specific epistemological understandings but to weave into these understandings the cultural arguments that would make clear the position that Palau took in terms of the CEDAW ratification and understanding. In Vivo Coding became an important tool for reviewing interview transcripts and as a method for attuning myself to participant language, perspectives, and worldviews (Saldana 2009, p. 48).

An additional method that I used in the initial analysis is descriptive coding. The usefulness of Descriptive Coding is in managing the significant data and in providing an organizational grasp of the study (Saldana, 2009). Data for my research were thus organized in summary words or short phrases identifying the basic topic of a passage of qualitative data (Saldana, 2009). It is worth pointing out that Descriptive coding merely identify topics and therefore not abbreviations of the content – content is the substance of the message (Saldana, 2009). As an ethnographic research project, Descriptive Coding was useful in responding to such questions as “What was going on in the study?” and “What is this study about?” (Saldana, 2009).

Versus Coding was a useful method applied during the initial coding phase to discover the power struggles inherent in the CEDAW ratification process, both internally and with external actors. To have a clearer understanding of the core issues, codes from data were categorized according to stakeholder, perceptions and issues. Versus coding brought a better understanding of how the different interpretations of CEDAW were represented defining more clearly the central issues at stake. Cycling back and forth between coding during the initial phase allowed me to stay close to the emerging story as I continued to gather data.

With the Initial Coding behind, I moved on to the Second Cycle of sifting through the data. Second Cycle methods are an advanced way of reorganizing and reanalyzing data coded through the First Cycle methods. The primary goal during the Second Cycle coding is to develop a sense of categorical, thematic, conceptual, and/or theoretical organization from the First Cycle codes and reorganize to eventually develop a smaller and more select list of broader categories, themes, and /or concepts (Saldana, 2009, p. 149).

Axial coding was a useful step in the Second Cycle process and helped refine the core categories identified in the First Cycle coding by identifying the relationships among the initial

codes. Axial Coding allowed me to group similarly coded data and therefore reducing the number of Initial Codes that I developed while sorting and re-labeling them into conceptual categories (Saldana 2009, p. 160). As such, Axial Coding helped to clarify overlaps in concepts and enabled the code to achieve its “best fit”. Subsequent to Axial Coding, the next step was to identify the core variable representative of all data accumulated from the study. Theoretical Coding was the concluding step in the coding and analysis process which enabled the integration and synthesis of categories to form a theory. See Appendix E for a table illustrating the coding process. The process of coding and interpreting data was not a linear one as I had to cycle back and forth between coding throughout the analysis phase to understand what my data was telling me.

Analytic Memoing became an increasingly important tool as I reflected on and tried to make sense of the data throughout the analysis process. Initial coding yielded a large number of codes, a number of which were highly descriptive and with overlaps. This was largely due to my interest in making sure that I was able to capture the voices of the ‘lived experience’ and to the multiple perspectives shared with me. Analytic Memoing helped me to stay on track and therefore allowing the data to speak for itself. Analytic memos are a place to “dump your brain” about participants, phenomenon, or process under investigation – it is a conversation with ourselves about the data (Saldana, 2009, p. 32). Noting my thoughts on the data while coding helped significantly in the formation of emerging concepts. As I became more familiar with the data and more competent in conceptual abstraction, the long list of codes was reduced to a more manageable list of initial codes and the descriptive codes were collapsed into 14 newer conceptual codes from the original list. Key for my analytic process was stepping away from the

data at different stages and coming back with a fresh set of eyes, approaching the data more creatively.

3.8 Research Challenges and Limitations

An issue that emerged when I changed case studies deals with studying one's own 'backyard'. When I decided to study the CEDAW, I was already at the time working in the Gender Office. One of the tasks of the Gender Office was to find ways forward and to facilitate Palau's ratification of the CEDAW convention. Creswell (2007) cautions about studying one's own place, as "such a study may raise issues of power and risk to the researcher, participants, and to the site" (p. 122). Additionally, questions emerge regarding research that examines "your own backyard – within your own institutions or agency, or among friends or colleagues", and they suggest that such information is "dangerous knowledge" that is political and risky for an "inside investigator" (Glesne and Peshkin, 1992 in Creswell, 2007, p. 122). Creswell (2007) suggests multiple strategies of validation be used to ensure that the account is accurate and insightful (p.122). To address this issue, I engaged two of the validation strategies recommended by Creswell. One of the strategies involved my spending a prolonged engagement in the field and therefore to build trust with participants and to re-embed myself in my culture. Triangulation was an additional validation strategy making use of multiple and different sources to provide corroborating evidence (Creswell, 2007).

Accessing media documents became a challenge. A key document useful in this research project is a film piece produced during the final CEDAW consultations with the Mechesil Belau. Key national government persons including the Minister of State at the time and Gender Advisors from the Pacific Island Forum Secretariat (PIFS) held a two-day consultation with the Mechesil Belau group. Given the importance of this consultation and the groups involved, it

would have been very useful to review the film. I was unable to locate the film. To address this limitation, informants directly involved during this period of CEDAW consultations were asked to elaborate on details of the consultations as much as could be recalled. This consultation event was influential in the development of events concerning the CEDAW ratification process and was the last attempt of regional organizations to push for Palau's ratification of the CEDAW.

Finally, knowledge as privilege and knowledge belonging to specific persons is one of the weaknesses of my research study – because I am an insider, the knowledge holder has to measure the sort of information shared. That means that there may be nuances to their story that they are not willing to share with me. Informants may discuss some of the subject matter relevant to the case study and therefore responding to the questions on the topic, however the informant may not reveal the relationships and specifics of the response. For some knowledge holders, the process of 'naming' during the interview was very difficult – the informant was reluctant to name persons, processes or specific challenges and issues. In such situations, the approach I took involved indirect talk story rather than directly probing. One of the ways to do this was not to have the informant 'name' directly but to continue to talk about the topic in metaphors or stories. This did not always work but I left it at that to respect the informant.

CHAPTER 4: WOMEN'S HUMAN RIGHTS AND THE EMERGENCE OF CEDAW

In this chapter, I begin to problematize the story that is being told about women who live in 'Third World' countries, including indigenous women. I begin here to unpack the women's human rights discursive as a process that acts to constitute the epistemological subjectivities of place, based on the shifting political rationalities associated with it. I examine how mainstream women's human rights discourse has constituted women within the 'Third World' including indigenous women as gendered 'underdeveloped' subjects in need of saving and requiring the expertise and knowledges defined by international development organizations.

This chapter outlines the advancement of a women's rights discourse that has framed the rights of women as an international political strategy. The chapter unpacks this discourse in relation to the mandates that have served to manage 'womanhood' through particular mainstream women's human rights discourse and policy frameworks. The chapter concludes with the problematization of this discourse as a political rationality that does not account for the diversity of women's lives within indigenous communities including the Third World. Part of this problematization is realized through the subsequent examination of the impact of this discourse on practices that serve to constitute the marginalization of indigeneity through mainstream women's human rights discourse.

Adopted by the General Assembly in 1979, the Convention on the Elimination of Discrimination Against Women (CEDAW) entered into force as an international treaty on 3 September 1981 after the twentieth country ratified it (OHCHR, n.d.). Since its adoption, 189 States have ratified or acceded to it as of February 09, 2019⁸. CEDAW emerged from the discussions that took place within the United Nations beginning in the 1960s and throughout the

⁸ The website for the United Nations Treaty Collection can be found at https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-8&chapter=4&lang=en

1970s primary of which were the setting of the international human rights standards and along with this, the advancement of the status of women globally. While these two discourses developed independently, the CEDAW became the primary instrument which would address the concerns of women helping to facilitate the inclusion of these concerns into the human rights framework.

Respect for fundamental human rights continue to be a primary focus of the United Nations reflecting the UN Charter, an international agreement which set to task the protection of human rights as a legitimate undertaking. Feminists at the time argued that despite this recognition, the UN Charter lacked the language specifying rights needing protection. Bunch (1995) writes that women's rights are included in the UN Charter and the Universal Declaration of Human Rights, however, only when interpreted from the perspective of women's lives (p. 452). Some feminists argue that this had an impact on the status of women, their position remained the same and issues that affected their lives were not adequately addressed. Thus, a few women's groups came together to advocate for the recognition of women and for the human rights of women.

Advocacy for the rights of women led to the subsequent drafting of the CEDAW. The Convention on the Elimination of all forms of Discrimination Against Women, or CEDAW, is one of the nine United Nations treaties promoting human rights internationally. The CEDAW has been referred to as an international bill of rights for women largely due to its comprehensive approach to gender equality. The CEDAW addresses three dimensions related to the status of women. Civil rights and the legal status of women are dealt with, in addition, and unlike other human rights treaties, the Convention is also concerned with the dimension of human reproduction as well as with the impact of cultural factors on gender relations (OHCHR, n.d.).

Rosenblum writes that the drafters of the CEDAW sought to situate women's rights as a preeminent international concern, additionally, that women throughout the world confronted sexist institutions, and the drafters' goals centered on utilizing international law to ameliorate these harms (Rosenblum, 2011, p. 107).

The movement to recognize the human rights of women had at its forefront an advocating of women's rights that includes all women – a representation of all women. Others (Spivak, 1996; Mohanty, 1988) have argued that Western feminists have generally tried to impose their own specific notions of equality the world over, with an emphasis on the universality of the feminist movement generalizing the Western woman's experiences and therefore assuming that those Western women's concerns are concerns of all women. Based on the assumption of a universal female identity, these goals have proven problematic (Spivak, 1996). Speaking for all women's aspirations, the Western woman neglects the cultural, historic and socioeconomic differences among and between 'first world' women and 'others' and therefore uncritically insisting on a Western women's perspectives.

4.1 CEDAW: Summary of the Technical Contents

The Preamble of the Convention discusses briefly the existing international human rights instruments and how these instruments support the status of women globally however cautioning that despite the existence of these instruments, "extensive discrimination against women continues to exist" and that such discrimination "violates the principles of equality of rights and respect for human dignity". The Convention further emphasizes the significant contribution of women to the "welfare of the family and to the development of society" however not fully recognized, and advocates for change in the traditional roles of men and women, specifically as it relates to the upbringing of children. The Convention discusses the relationship between the

elimination of discrimination against women and the establishment of a new international economic order, including the eradication of all forms of racism and colonialism, and the strengthening of international peace and security (UN,1996).

The Convention contains 30 articles organized in six parts: 1 – 4 compose the substantive provisions, sections 5 and 6 regulate implementation and ratification of the Convention. Part one conveys the basic principles underlining the Convention, beginning with the definition of “discrimination against women” in article 1. Article 2 enumerates the commitments the State Parties must undertake to reach equality between men and women. It is further supported by article 3, which requires that State Parties shall take all appropriate measures to “ensure the full development and advancement of women”, and article 4 allows for “temporary special measures aimed at accelerating de facto equality between men and women”. Article 5 obligates state parties to “modify social and cultural patterns of conduct between men and women based on the idea of inferiority or superiority of either sexes, and calls for the recognition of the common responsibility of men and women in the upbringing and development of their children”. Article 6 calls for the State Parties “to suppress all forms of traffic in women and exploitation of prostitution of women”.

Part two of the Convention covers political rights: Article 7 encourages State Parties to eliminate discrimination against women in the political and public life therefore granting women the same political rights as men and encourages women’s political participation at the national and the international level (art. 8). Article 9 grants the same nationality rights to women and to men and “equal rights with men with respect to the nationality of their children”. Part three of the Convention brings together the social and economic rights of women: the right to equality in education (art. 10), equality in employment (art. 11), equality concerning access to health care

services including family planning services (art. 12), and equal access to financial benefits including access to social and cultural life (art. 13). Article 14 deals with the distinct needs of women in rural areas including their role in the informal economy. Part four of the Convention consists of two articles and specifies matters relating to civil law: Article 15 provides women equality before the law, including in legal proceedings and additionally accords women equal rights in “choosing their residence and domicile”. Article 16 dictates that marriage and family relations must be based on the equality of women and men.

Part five comprises of the provisions governing the implementation procedure of the Convention. Article 17 establishes an independent monitoring and enforcement Committee for CEDAW. Article 18 outlines State Parties reporting obligations. The Committee is also empowered to adopt its own rules of procedures (art. 19), and meeting period and place is set (art. 20). Article 21 empowers the Committee to "make suggestions and general recommendations based on the examination of reports and information received from the States Parties". The Committee's recommendations provide clear guidance on the application of the Convention in certain circumstances. Article 22 makes clear the participation of specialized agencies in the reporting procedure. Part six of the Convention comprises of the types of ratification including entry into force (articles 25, 27, 30). Article 26 discusses processes for the revision of the Convention with specifics of reservations covered in Article 28 and dispute settlement in Article 29. Article 23 stipulates that national regulations “more conducive” to achieving gender equality shall not be affected by the Convention. Additionally, that states should undertake “to adopt all necessary measures for the full realization of rights recognized in the Convention” (art. 24).

Significant criticism of the Convention's weak enforcement mechanism outlined in Part V, led to the introduction of the Optional Protocol, adopted on October 06, 1999 by the UN General Assembly. The Optional Protocol established an additional complaint procedure thereby allowing the Committee to receive and consider complaints from individuals as well as groups having exhausted local remedies. In this way, the Optional Protocol creates an inquiry procedure which assess situations of grave or systemic violations relating to women's rights. As of May 2020, 114 countries have ratified the Protocol⁹.

4.1.1 Reservations

Although there have been opportunities in adopting human rights standards, CEDAW remains limited in its effectiveness largely due to the number of reservations limiting its applicability. The Vienna Convention on the Law of Treaties defines a reservation as "a unilateral statement, however phrased or named, made by a State when signing, ratifying, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to the State". As such a ratifying State will not implement a specific reservation to a provision of a convention however accepting other provisions of the treaty. A reservation allows for a greater number of State Parties to enter into treaty ratification thereby maximizing "the force and effect of the law rising out of the treaty". The Vienna Convention governs the reservations system which is based on the concept that a reservation is permissible as long as it is not "incompatible with the object and purpose of the Convention". CEDAW refers to the general rule of the Vienna Convention in Article 28(a) "A reservation incompatible with the object and purpose of the present Convention

⁹ For information on Protocol ratification, refer to UN Treaty Collection at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8-b&chapter=4&lang=en

shall not be permitted". While reservations are allowable, those that do not agree to the object and purpose of CEDAW are not.

State parties' reservations of CEDAW has been a significant source of controversy. Among the United Nations human rights treaties, CEDAW has received the highest number of reservations. Okin (1998) points out that "(i)t is also very striking that many countries in which forms of serious discrimination against women are practiced have signed and ratified the CEDAW, though in many instances with reservations" (p. 38). A number of States have entered reservations to particular articles on the ground that national law, tradition, religion or culture are not congruent with Convention principles, and purport to justify the reservation on that basis (UN Women, n.d.). Consequently, States become parties to CEDAW without necessarily realizing the goal of equality for women. Reservations have allowed states to become parties to the Convention, however not requiring significant changes in the country's laws or society's practices. The most common reservations relate to conflicts with religious or traditional laws and the elimination of discrimination against women. Specifically, reservations attached to Article 2, 5 and 16¹⁰. Article 2 identifies the range of measures that State parties should take to eliminate gender discrimination. Article 5 directs State parties to take all appropriate measures to modify social and cultural patterns that lead to the inferiority of women. Article 16 guarantees equality between men and women in marriage and family life. The CEDAW Committee recognizes that Articles 2 and 16 contain the core provisions of the Convention and that reservations to these core provisions are incompatible with the objective of the Convention. Despite this understanding however, a significant number of CEDAW reservations have been made and the subsequent process of removing them has been slow. Given the limited authority it has to

¹⁰ For information on reservations lodged by States, refer to the UN Treaty Collection at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&clang=_en

overturn reservations, the Committee continues to encourage State Parties to remove reservations.

Reservations made to articles which are considered core provisions has led to criticisms of the effectiveness of CEDAW and, in turn, its ability to change the position of women. Some (Okin 1998; Rosenblum 2011) have argued that important issues facing women requiring change – family planning, reproductive rights, marriage and divorce rights, inheritance, succession and maintenance – are contained within the very articles reserved by State Parties. Thus, while a significant number of the United Nations member countries have ratified the Convention, the number and nature of reservations has tempered the effectiveness of CEDAW. Consequently, this high number of reservations may not necessarily work towards the inequality challenges faced by women in settings resistant to “changing sexist cultural and religious norms” (Rosenblum 2011, p. 113).

4.2 Human Rights of Women and the UN Context

I discuss the emergence of CEDAW and the global movement on the rights of women in the context of the United Nations. I situate this discussion within this context to focus largely on the emergence of CEDAW. The larger global discussion is important, however for the purpose of this dissertation, I look particularly to the UN process¹¹ as this is critical to the topic and is the focus of subsequent critique of these global arrangements particularly with global institutions and the problematic conditions subsequently created through these processes.

4.2.1 First Phase: Legal Foundations of Equality

The women’s human rights agenda came together in a significant way through the work of specific groups, particularly that of the CSW and supporting non-government organizations

¹¹ The United Nations recognizes four “progressive phases” of its engagement relating to the concerns of women.

(Office of the United Nations High Commissioner for Human Rights, n.d.). Through this advocacy work, women's rights was brought to the attention of the United Nations which became the first international organization that specifically included the promotion and protection of human rights, including the human rights of women, in its mandate (OHCHR)¹².

Women's human rights work thus developed a momentum resulting in a framework for the discussion and development of international women's rights standards. Accordingly, the UN fulfilled the role of a "catalyst for change, as a global standard setter for the eradication of gender discrimination; as a forum for debate; and as an unparalleled source of balanced, comprehensive data on the status of women worldwide" (UN, 1996). The dominance of the already defined women's human rights discourse, however, effectively 'flattened' subjectivities thereby erasing the differently positioned Indigenous and Third World women. While recognizing difference, international frameworks assumed that all groups worked toward equality and inclusion in similar and parallel ways.

In 1946, the Economic and Social Council, created the Subcommission on the Status of Women, a subsidiary to the Commission on Human Rights (UN, 1996, para 40). The Commission's mandate was to "submit proposals, recommendations and reports to the Commission on Human Rights regarding the status of women" (para 40). Thus, the Subcommission was formed to address pressing issues faced by women in addition to providing additional support for women's rights. On June 21, 1946, the Subcommission was elevated to a commission, the Commission on the Status of Women (CSW), and became an important space for the articulation of women's issues globally. The CSW would additionally influence the

¹² Okin (1998) points out that the "early conception of 'the rights of man' in the seventeenth century and the original conception of international "human rights" in the mid-twentieth century were conceived as rights of individuals against each other (p. 34) leaving unprotected the private sphere along with the rights of women and children (p. 36).

drafting processes of core documents, specifically the UN Charter and the Universal Declaration of Human Rights. In 1987, the Commission's mandate was expanded to include advocacy for women's equality, development and peace and to overseeing the implementation of measures for the advancement of women at all levels (para 46).

The CSW would have a significant role in the subsequent drafting of the Universal Declaration of Human Rights (UDHR) arguing for the inclusion of gender sensitive language and for the human rights of women to be recognized. The Universal Declaration states that "all human beings are born free and equal in dignity and rights" (art. 1) and that "everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex..." (art. 2). After the Second World War, the United Nations General Assembly adopted two covenants, the International Covenant on Economic, Social, and Cultural Rights (UNICESCR) and the International Covenant on Civil and Political Rights (UNICCPR) which would additionally recognize "women as holder of human rights" (Okin, 1998). Despite this progression towards the recognition of the human rights of women however, other feminists (Okin, 1998; Pietila, 1996) argued that there remained insufficient guarantees providing equal treatment of women.

4.2.2 Second Phase: Women in Development

During the Second Period from 1963 to 1975, the role of women in development became increasingly recognized as an important focus in the overall economic and social progress of society. Additionally, it was recognized that women's role in the economy had been vastly underestimated (UN 1996). As such, "(t)he Organization's focus broadened from codification of equality of rights under the law to encompass the economic and social realities of women's daily lives." (p. 4). The increasing recognition of the many different responsibilities of women urges

the rethinking of the position of women vis-à-vis that of human rights. Women played significant roles in the care of families and in contributing to the overall well-being of communities. The UN Charter concerns to “promote social progress and better standard of life in larger freedom” could not be met without the full participation of women in society (p. 27).

Despite the number of protections established for women’s rights, it became increasingly clear that issues of women’s rights required a more comprehensive approach and protection. In 1963, the General Assembly requested the CSW to start work on a draft declaration articulating the equal rights of men and women. The Assembly noted that while there had been measurable progress in achieving equal rights, "in various fields there still remain(ed), considerable discrimination against women"(p. 29). On 7 November 1967, the General Assembly unanimously adopted the Declaration on the Elimination of Discrimination against Women, taking an important step in securing the legal foundation of women's equality (p. 30). The Commission began preparations for a Convention which would address the limitations of the Declaration and to create an internationally binding instrument directly addressing the human rights of women. CEDAW reflected an historical need to focus on women and their experiences ... reflected an ‘up with the women’... political movements and academic scholarship promoting women’s empowerment (Rosenblum, 2011, p. 122).

Recognition for women’s human rights work would subsequently receive additional momentum with the declaration of International Women’s Year. In recognition of CSW’s 25 years of commitment to promoting women’s concerns, 1975 was designated International Women’s Year helping to “remind the international community that discrimination against women, entrenched in law and deeply rooted cultural beliefs, was a persistent problem in much of the world (UN, 125). The General Assembly would subsequently endorse the Commission’s

recommendation for a global meeting of women declaring the subsequent ten years (1976-1985) the United Nations Decade for Women with a thematic focus on equality, development and women's contribution to world peace.

4.2.3 Third Phase: United Nations Decade for Women

The Third Phase of the women's rights movement would see a significant transformation in the understanding of women's position globally. The United Nations Decade for Women (1976 – 1985) made central women's concerns with a strong recognition that women could no longer be treated apart but were key contributors to the development of society. During this period, the international discourse on the position of women found new perspectives and priorities in the work of international institutions including the UN. Much of the changing perspectives and priorities are attributed to the work of international activism at the time, mainly advocated by international women's organizations and the establishment of strong networks (Pietila 1999, Fraser 1999; Rao and Cagna 2018).

The UN Decade for Women initially began with a conference in Mexico in 1975, with subsequent conferences taking place in Copenhagen in 1980, and Nairobi in 1985. These three international women's conferences would establish the global platforms for the discussions on specific measures for women's rights. The Mexico City Conference would introduce women representatives of government and civil societies to the UN and would additionally provide the space for activists to pursue their interests at a time when there were few international venues for women's rights (Bunch, 2012). Despite conflicts and the differing perspectives on women's issues and needs, delegations adopted the World Plan of Action outlining actions needed to promote the advancement of women for the succeeding decade (UN, 1996).

The overall objective of the World Plan of Action was to promote equality between men and women, ensure the integration of women in development effort and to increase the contribution of women to the strengthening of world peace (UN, 1996, p. 35). To support this work, the UN would help with the creation of new institutions that would support measures to improve women's lives. For example, the General Assembly would recommend the creation of INSTRAW (International Research and Training Institute for the Advancement of Women) in response to recommendations of the Mexico Conference identifying the need for an autonomous research and training institute for women. Additionally, the United Nations Development Fund for Women (UNIFEM), was created as a permanent autonomous body within the United Nations Development Program (UNDP) specifically dedicated to meeting the needs of women, with an emphasis on helping to improve the living standards of women in developing countries (p. 40). Similarly, the adoption of the CEDAW Convention in 1979 became a significant part of the institutionalization of international commitments for the rights of women.

The 1980 Copenhagen Conference took place at the height of the cold war and amidst conflict that influenced the intergovernmental event. The North-South debates concerning equality as a Western paradigm for women's issues and development as they key topic for the Global South continued from the earlier conference in Mexico City (Bunch, 2012). Despite the successes in focusing the attention on women's rights within the UN, the focus on women's equality throughout these conferences brought accusations of "feminist Orientalism" by some delegates from the South (Chan-Tiberghien 2004 in Tungohan, 2010, p. 105). Hamid (2006) writes that "Western feminists tended to look at Third World women as a composite, monolithic group of powerless women lacking any agency ... result(ing) in a cultural gap that did not bode well for relations between Western feminists and their non- Western counterparts" (p. 78). The

1985 Nairobi Conference would see a gradual shift in the discussions towards meeting the priorities of women from the Global South. Bunch points out that the Nairobi Conference was particularly important for the global feminism as it was the place where it became clear that this was indeed a global movement (Bunch, 2012). Women's groups had been growing in numbers and complexity throughout the decade in all regions, and more Southern voices now took center stage emerging as the leadership (Bunch, 2012). There were conflicts, but a climate of compromise prevailed that led to the unanimous adoption of the "Nairobi Forward Looking Strategies for the Advancement of Women Towards 2000."....linking the previously competing goals of equality, development and peace (Bunch, 2012).

The Decade of the Women and the subsequent conferences created space for dialogue among a number of women's organizations resulting in alternative viewpoints previously marginalized. These perspectives would eventually influence the multilateral context of the United Nations. One of the more influential non-government organizations during this period was the Development Alternatives with Women for a New Era (DAWN). DAWN emerged as a network of women from the South and quickly took on the role of advocating for women in poverty and for the development of alternative visions. Their point of departure was the awareness "of the need to question in a more fundamental way the underlying processes of development into which we have been attempting to integrate women" (DAWN Report, 1985, p.11 in Pietila, 1999, p. 23). They brought the role of women in development into focus as an indispensable new dimension and they made the prevailing pattern of development questionable from the point of view of women. (Pietila 1999, p. 23). This criticism of 'development' signified a turning point in the history of women's issues in the UN system leading to changes in the organization's development policies (Pietila, 1999).

During this third phase, the discussion on women's status and rights expanded within the UN. The Decade on Women, including the World Women's conferences, would lead to increased understanding of gender and cultural difference leading to changing institutional practices of UN's gender policies. The significant role of transnational non-governmental women's organizations is recognized in bringing about new understandings and propositions and therefore alternatives in progressing the position of women globally. These ideas would influence the work within the UN and its intergovernmental debates as representation of women's interests from different world regions became part of the consciousness.

A significant outcome of the women's conferences was the establishment and empowerment of the global non-governmental movement for women's rights (Friedman 2003, Fraser 1999). Non-governmental organizations broadened women's participation in the UN's work of protecting human rights and helping Governments to recognize that these fundamental goals could not be achieved without the participation and advancement of women (UN 1996, 37). The women's conferences created the necessary space for networking and dialogue among emerging organizations, fostering a sense of collective transnational network. The process however was not without critique with the emergence of alternative ideas of women's status and questions as to which groups had been overlooked. Feminism remained a product of Enlightenment thought and feminists, at this point, had a less nuanced view of the world than their more relativist sisters would in later years (Hamid, 2006, p. 78).

4.2.4 Fourth Phase: Equality, Development and Peace

The fourth period of the women's rights movement (1986-1996) saw the continuation of the implementation of the visions expressed during the earlier UN Decade for Women. What became clear during this time was the apparent lack of improvement in the three priority areas of

the previous Decade of Women: employment, health and education (UN 1996, p. 48).

Additionally, criticisms of CEDAW emerged pointing out the absence of emphasis on violence against women including the ill attempts at uniting the different perspectives of women.

Attention to violence against women became a primary topic especially in the internal policies of the UN and in January 1992, the Committee on the Elimination of Discrimination against Women adopted a general recommendation in which it affirmed that under the Convention, violence against women was indeed a form of gender discrimination (UN, 1996). Largely unanswered however, were the challenges related to women's difference from men including diversity among women.

4.3 Fourth World Conference on Women: Beijing 1995

The Fourth World Conference on Women took place in Beijing in September 1995 during the fiftieth anniversary year of the United Nations. A large number of participants attended the Beijing conference including more than 2,100 NGOs from around the world and representatives of 189 governments. The dialogue at the Beijing Conference centered on the human rights of women “with an insistence that all issues are women’s issues and that women’s equality, development, and peace *could not* be discussed in isolation from the global economic, political, and cultural forces rapidly re-shaping the world” (Bunch, Dutt & Fried, 1996, p. 7). Statements were made of the importance of the advancement of women and in integrating gender perspective in global policies and structures. The resulting Beijing Declaration and the Platform for Action key message was to ensure that the gender perspective was implemented in national, regional, and international programs and policy making and therefore shifting the dialogue beyond ‘women’s rights as human rights’ towards actions aimed at securing the equality of women and men.

The Beijing Declaration and Platform for Action, adopted unanimously by 189 countries, identified 12 critical areas of concern considered to represent the main obstacles to women's advancement since the Nairobi Conference and which required concrete action by Governments and civil society (UN, 1996). Included in the issues discussed were the advancement and empowerment of women in relation to women's human rights, women and poverty, women and decision-making, the girl-child, and violence against women. The Platform for Action stands as a milestone for the advancement of women into the twenty-first century (UN, 1996). The Beijing gathering, the most heavily attended United Nations conference in history, refocused strategic objectives and set new priorities to enhance the role of women as equal partners in the drive for the betterment of society. It strengthened the consensus that the advancement of women is central to every dimension of development. The 189 Governments represented in Beijing unanimously affirmed that the advancement of women and the achievement of equality with men are matters of fundamental human rights-and therefore a prerequisite for social justice.

4.4 Universality of Women's Rights

The 1995 Fourth World Conference on Women focused on human rights violations specific to women. Women's human rights permeated debates at both the official United Nations inter-governmental Conference and at the parallel non-governmental organizations (NGO) Forum held 80 kilometres away in Huairou, in the speeches given by many heads of delegations, including Hillary Rodham Clinton's adoption of the theme "women's rights are human rights"... (Bunch, Dutt & Fried, 1996, p. 7). According to some women activists, the term 'women's rights as human rights' resonated among the many participants and brought women together in support of a uniform agenda. The idea that this Conference was about defending and promoting the human rights of women provided just such a cohesive umbrella for many" (Bunch, Dutt & Fried,

1996, p. 7). Some feminists would claim that the Beijing Conference was successful in uniting women and that 'global sisterhood' had been achieved.

Other feminists however held divergent views. For example, Spivak (1996) argues that as a 'global theatre' the Beijing conference was "...staged to show participation between the North and the South, the latter constituted by Northern discursive mechanisms" (p. 2). She additionally maintains that women from the South were not given the opportunity during the Conference to participate in a more meaningful dialogue reflecting their concerns (Spivak, 1996).

The Beijing Conference thus highlighted the ongoing conflict within the global women's movement and the different and competing opinions regarding women's universal difference from men. Friedman states that women's rights advocates' understandings of the source of gender oppression were divided by the deep developmental and political differences among their respective countries (Friedman, 2003). Northern advocates focused on the "discrimination" frame (Keck & Sikkink, 1998, in Friedman 2003, p. 318) that explained women's subordination as stemming from unequal treatment on the basis of sex, or due to sexism. Southern advocates saw women's inequality as part of a larger "inequality between nations" or "dependency" frame, in which Southern peoples were seen as victims of the historical process of Northern exploitation of Southern countries to advance development in the North (Beneria & Sen, 1982), or due to (neo)-imperialism (Freidman, 2003, p. 318).

Absence of indigenous feminist voice at the Beijing Conference was additionally pointed out by indigenous participants and feminists alike. Parisi and Cornetassel argue that despite Indigenous women's participation in the treaty process through regional prep com (Preparatory Committee) meetings, many of their concerns, such as Indigenous self-determination, were not directly translated into the final Platform for Action (Parisi and Cornetassel 2007). Additionally,

they argue that the Beijing Platform for Action (BPfA) “distorted and essentialized Indigenous women’s identities by depriving them of agency and naturalizing their marginalization” (Parisi and Corntassel, 2007, p. 8). Response to Indigenous women’s concerns instead centered on separate solutions such as the protection and use of indigenous knowledge thus ignoring concerns of sovereignty and economic inequality raised by indigeneity. Indigenous women made clear the limitations of the women’s rights discourse that asks them to trade off their rights as Indigenous peoples in order to claim rights as individuals ... arguing that systemic or structural gender inequality is inextricably linked to other structural systems of inequality, such as racism and capitalism (Parisi and Corntassel, 2007, p. 8).

Discussions surrounding the Beijing Declaration focused on women’s difference from men and as such was translated into the language of gender equality in reference to the twelve platforms. Despite the discussions about diversity among women during the drafting of the Beijing Declaration, this did not materialize into concrete language in the subsequent Beijing Declaration and Platform for Action. References to diversity were consequently diluted and instead gender equality became a focus.

Feminists point out that the recognition of women’s human rights was a necessary step in addressing the inferior position of women globally. This redefining of women’s position largely emerged from an earlier agitation of the Western feminist voice challenging gender relations subordinating women to men. Subsequently, and gaining momentum in the international fora, particularly within the walls of the United Nations, women’s human rights began to gain legitimacy and a global audience. Feminists argue that the initial human rights framework encapsulated in the Universal Declaration of Human Rights (UDHR) had largely ignored the human rights of women and therefore excluded alternative conceptions of human rights.

Moreover, it is argued that the outcome of the UDHR continued to mask the singular male perspective and thereby ignoring challenges raised at patriarchal institutions and the subsequent male definitions of women.

Legitimacy of the global campaign required the participation of the women of the world. The emergence of the women's rights movement largely in the Western hemisphere, gradually shifted to include other women elsewhere globally. One of the key ways in bringing on board other women was in organizing global forums and therefore to open up space for other women to not only participate but to also speak to the topic and its relevance. The World Women's Conferences offered the platform for the progression as well as awareness of the emerging women's human rights movement. More recently, the Beijing Conference along with the other World Women's Conferences offer different groups of feminists space to articulate their concerns on the topic of women's human rights.

Establishing commonalities within the women's human rights work lends momentum and opens up space for critical dialogue among women. Questions remain however as to the uniformity of participation including a perceived rejection of the diversity of women's experiences. Global Campaign assumes a determining discursive logic that renders impossible the agency of complex and dissenting subjects acting strategically to resist forms of dominating power (Reilly, 2011, p. 67). Thus, women of the Global South continue to argue for representation and voice while indigeneity seeks recognition in self-determination and sovereignty within the space of women's human rights.

4.5 Conclusion

I have discussed the emergence of CEDAW within the context of the women's human rights movement and more specifically within the UN context. The discussion has focused on the

historical shifts in the approaches undertaken by the UN in the women's rights movement.

Describing the primary of the agendas in UN women's rights discourse is critical in locating the different and competing voices struggling for recognition within this international arena. While it is important to recognize the importance of advocating for the equality of opportunities and outcomes, it is clearly just as important to recognize how others have been marginalized in the process, particularly for indigeneity, defining what human rights means in this context becomes essential.

Recognition of alternative viewpoints has been largely absent in the women's rights discursive. One of the ways in which the women's human rights movement seem subversive in the pursuit of the idea of equality across difference is the denial of the homogeneity of specific identity groups – indigeneity for example. The discussions taking place in these spaces remain focused on the “the idea of a liberal individual rights grounded on women's common identity” (Tungohan, 2010, p. 109). This singularity in focus on gender equality at an individual level has fundamentally set the discursive stage leaving little room for indigenous epistemologies to put forth a different position or perspective.

CHAPTER 5: NOUMEA TO BEIJING

Since the adoption of the Nairobi Forward-Looking Strategies for the Advancement of Women in 1985, the Pacific region has been experiencing a restructuring of political, economic, social and cultural relationships. This restructuring process has had a dramatic impact on the Pacific region and in the quest for Equality, Development and Peace.

We are beginning to assert a “Pacific” identity. Although we share commonalities with the global community and with the Asian region with which we are most commonly grouped by the United Nations, our Pacific experiences are different. Our uniqueness is reflected in our different geographical, historical and cultural backgrounds. More specifically, in the central role of customs and tradition in our Island countries and territories, the primacy of the family, and the strong affinity of our people with the land. (Sixth Regional Conference of Pacific Women Report, 1994).

This chapter reviews the initial preparations including the mechanisms by which Pacific women were brought into the space of women’s human rights movement. More importantly, the chapter reflects on Pacific women’s response to the global discussions on women’s human rights and the ways in which Pacific women positioned themselves at the time. The chapter provides an overview of the instruments employed for women’s human rights advocacy, particularly the Beijing Platform for Action based on the Nairobi FLS – instruments supporting the ratification of CEDAW. In addition to the overview, I take a critical look at the narrative developed during the Triennial conferences including the Beijing reviews, tracing the diminishing voice of the Pacific women in the space of women’s human rights work in the Pacific and globally. Significant presence of development partners emerges during the intervening years after the initial Beijing Conference in 1995 resulting in strategies and policies driven by regional organizations who

have not prioritized the needs and aspirations of the people of the Pacific.

The road to Beijing and therefore claims of global sisterhood and women's human rights has not been a smooth one for the women of the Pacific. Pacific women's agitation for a meaningful discussion on culture including challenges to self-rule have not been topics welcome in the discursive space of women's human rights. The important point is to note how culture has been treated in the context of the women's human rights discussions and subsequently translated onto the Pacific context. The global women's human rights treatment of culture remains unchanged with an absolute refusal to recognize the more positive features of culture. Moreover, there exists a refusal to recognize the legitimacy of cultural practices uplifting of women – particularly in matrilineal cultures.

5.1 The Pacific Platform of Action for Sustainable Development and Pacific Women's Aspirations

In the preparation for the Fourth World Women's Conference in Beijing in 1995, Pacific women would come together to discuss and 'talk story' about their experiences and to find consensus on a range of issues impacting their lives and their communities. The Pacific Platform of Action (PPA) for Sustainable Development was a result of those earlier discussions and preparations for the Beijing Conference. Fairbairn-Dunlop (2000) writes that absent of a regional policy addressing directly Pacific women's situation, "government and NGO programs lacked an overall cohesion and were often disjointed, fragmentary, and sometimes more *externally* than internally driven" (p. 63). The PPA therefore became a document of shared aspirations and understanding for the women of the Pacific and continues to serve as a guideline for national and regional policy planning today.

5.1.1 Triennial Meeting of the Pacific Women

Delegates from 22 Pacific Island countries and territories met in Noumea, New Caledonia for the Sixth Regional Conference of Women, 2-4 May 1994. On the agenda for Conference discussions was the important business of setting the direction of the Pacific Islands Platform for Action in preparation for the UN World Conference of Women in Beijing the following year. In the opening remark of the meeting, the Secretary-General of the South Pacific Commission (SPC) at the time, Ati George Sokomanu MBE, noted the task of finalizing the PPA. He additionally “stressed the need for the Platform to be concise and to address the need to achieve more balance in the roles of men and women rather than focusing on women as a separate group” (SPC, 1994, p. 3). This aspiration would continue to emerge in the context of women’s human rights work in the Pacific and is an early indication of the desire of the Pacific peoples to recognize the important role of men and women working together in partnership to address issues emerging within their communities. At the same conference, a message from Mrs. Gertrude Mongella, Secretary-General of the Fourth World Conference on Women, would serve as a reminder of the homogenizing tendencies of global movements and agendas. Her carefully crafted message brings focus on women’s status to the global feminist discursive on women’s human rights, reminding Pacific women of the need to focus on the ten critical areas of concern identified by the UN’s Commission on the Status of Women (CSW). Moreover, is the “emphasis on the importance of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and ensuring that all discriminatory attitudes and practices are eliminated” (SPC, 1994, p. 3). Emerging at this time, is the focused direction of women’s human rights work in the Pacific and more specifically the identification of priorities which mirror global international norms at the time and largely overlooking the concerns of Pacific women.

Three key reports would inform the Pacific women's discussions in the development of the Pacific report to Beijing on the implementation of the Nairobi Forward Looking Strategies (FLS) as well as the drafting of the Pacific Platform of Action, an instrument of voice for the Pacific women. Working Paper 3, a discussion paper on the status of South Pacific women drafted as a report on the progress made by Pacific women in implementing the Nairobi Forward Looking Strategies, and in preparation for the Beijing Conference. While participants applauded the report, suggestions were made for further consultations with countries to be undertaken if the paper were to be the true voice of all Pacific women (SPC, 1994, p. 20). Working Paper 5 offered a Pacific Region Draft Platform intended to give Pacific women a clear voice at the global level and further argues that too often, in the past, the needs and problems of the Pacific women had been lost or not given adequate attention because they had been grouped with those of Asian women (SPC, 1994, p. 22). The draft platform reflected national plans of action, sub-regional caucus reports, the discussions of the Pacific NGOs and information provided in Working Paper 3. It listed 12 critical areas of concern identified as community issues, rather than specifically women's issues, in order to focus on the partnership between women and men in meeting the goals of the FLS. An additional area of critical concern regarding indigenous people's rights would be later added to the list for the final Draft Declaration and the Platform for Action. Working Paper 4 Rev. 1, an amended version of the Draft Declaration on Women and Sustainable Development would additionally inform the draft PPA, however, Pacific women participants responded to this document stating the ambiguity of terminology in UN documents and suggested clarification and relevance to regional and caucus level work. What was made clear as well in relation to the draft declaration including the other working papers was the desire

of Pacific women to center the work on the Pacific context and therefore the need to link all the work to the economy of place, family and culture.

It is additionally important to note a seminar presentation on the CEDAW during the meeting. According to the notes of the Conference, Working Paper 7, Information Paper 2 would speak to the importance of CEDAW ratification in the Pacific and therefore an early indication of the direction and influence of regional organizations promoting CEDAW. The consultant presenting on the topic pointed out that the Convention ‘reflected international consensus’ on the status of women and their role in society. Discussions also centered on which states in the Pacific had ratified the CEDAW and more importantly which states were currently at the time not party to the CEDAW. The consultant further indicated that “the substantive provisions in the Convention contained different assumptions about women and each provision reflected a different conceptualisation of what was fair and just status of women in society” (SPC, 1994, p. 10). Participants were then asked to discuss and finalize briefly outlined views on strategies by which countries that had not already done so could become parties to the Convention (SPC, 1994, p. 10).

It is instructive to note that SPC consultant Fairbairn-Dunlop would raise questions regarding Pacific women’s awareness of the Nairobi Forward-Looking Strategies and the relevance of the document for Pacific women. She writes that in an attempt to define Pacific women’s position within the context of the FLS, what became clear was the need for “a sort of a Pacific FLS reflecting Pacific women’s present status, their vision for the future and ways to achieve this vision” (Fairbairn-Dunlop, 2000, p. 64). Fairbairn-Dunlop (2000) reflects on the initial Beijing preparations noting the supportive energy from Pacific women and governments as well as the important deliberations regarding the region and emerging issues surrounding

sovereignty and the desire for maintaining Pacific ways. Pacific women, on reflecting on development and the Pacific context would ask “what do we want development to bring for ourselves, our children and our community and adamantly questioning the merits of planning driven wholly by economic concerns” (p. 64).

Table 1: Papers Presented at the 1994 6th Pacific Women Triennial Conference

<i>Reference</i>	<i>Content</i>	<i>Author</i>
SPC/Women6/WP.3	Discussion paper: Overview on the status of Pacific Women	Dr. Peggy Fairbairn-Dunlop, Head of Extension Services at the Alafua Campus of the University of the South Pacific (SPC Consultant)
SPC/Women6/WP.4	Draft Declaration on Women and Sustainable Development	Women’s Development Adviser
SPC/Women6/WP.5	Pacific region Draft Platform for Action	Barbara Wahl, Communications Specialist in the Office of the Governor of Guam (SPC Consultant)
SPC/Women6/WP.7	The Convention on the Elimination of All Forms of Discrimination Against Women (Outline for discussion)	Mere Pulea (SPC Consultant)

Source: SPC, 1994 South Pacific Commission. (1994). *Sixth Regional Conference of the Pacific Women*. Noumea, NC: South Pacific Commission.

5.1.2 Key messages in the Pacific Platform of Action (PPA)

Fairbairn-Dunlop writes that the PPA highlights the centrality of custom, tradition and family to the Pacific women’s vision of sustainable development and therefore grounds the document in culture (Fairbairn-Dunlop, 2000). At the conclusion of the Conference, participants would adopt the declaration on women and sustainable development finding emphasis on the following aspects of the Pacific culture:

- the central role of custom and tradition
- the primacy of family
- the strong affinity of our people with the land

- the unique challenges we face as a consequence of our history, demography and geography.

The Proposed Pacific Regional Platform for Action coming out of the Conference would include the following 13 areas of critical concern:

- health
- economic empowerment
- agriculture and fishing
- legal and human rights
- shared decision-making
- environment
- culture and family
- mechanisms to promote the advancement of women
- violence
- peace and justice
- poverty
- indigenous people's rights

Pacific women delegates would subsequently present the PPA to the Asia Pacific meeting in Jakarta in 1994. Although most of the Pacific concerns were included in the Asia Pacific report – the Jakarta Declaration – the following core concerns of the Pacific women were omitted (Fairbairn-Dunlop, 2000).

- Indigenous women's rights
- insufficient support, recognition and promotion of women's participation in agriculture and fisheries, and in particular, women's roles in food security

- inadequate mechanisms to preserve customs, cultural and traditional values and social safety nets.

Earlier concerns of being grouped with Asia in the UN reporting processes and past practices of being subsumed in Asian priorities and processes emerged in the Asia-Pacific regional conference in Jakarta as well as the 1995 Beijing Conference. Critical issues of note for the Pacific region would be sidelined for Asian and global priorities. Proposed critical areas were accepted only if these areas reflected Asian and globally identified priorities. From Noumea to Jakarta, voices of Pacific women and the centrality of culture and indigenous rights in addressing and progressing the Nairobi FLS were not heard. This treatment of Pacific women reflected the larger global processes in Beijing where Indigenous cries for recognition of indigenous rights were overlooked. In Huaraiou, as with the claims of other Indigenous groups, indigenous women's issues were again subsumed in the larger global discursive – and where difference had been recognized in other spaces such as the women from the 'south' – Pacific women's concerns however were very much absent.

5.2 The Intervening Years and the Significant changes to the PPA: diminishing voice of Pacific women

The SPC would lead the subsequent reviews of both the Pacific Platform for Action on the Advancement of Women and Gender Equality and the Beijing Platform for Action. Previously referred to as the South Pacific Commission, the organization was created in 1947 under the Canberra Agreement by the governments of the United States, the United Kingdom, Australia, New Zealand, the Netherlands, and France. SPC¹³ is mandated to work with the Pacific regional governments and agencies to progress their development goals. The focus of

¹³ The website for the Pacific Community in Noumea, New Caledonia can be found at <https://www.spc.int/about-us>

SPC's work is on major cross-cutting issues, such as climate change, disaster risk management, food security, gender equality, human rights, non-communicable diseases and youth employment. SPC's Bureau of Women organizes the Triennial Conference of Pacific women and the Meeting of Ministers of Women with representatives of government and civil society from the 22 Pacific countries and territories.¹⁴ The Conference serves as a platform for women to deliberate on emerging issues and challenges and to find ways to address barriers to progressing the PPA and related regional commitments.

5.2.1 Pacific Platform for Action on Women: An Evaluation of the Thirteen Critical Issues and the status of Pacific Women 1994 – 2004

The Ninth Triennial Pacific Women's Conference convened on 16 – 19 August, 2004 with a focus on reviewing the achievements made, the challenges and obstacles encountered by Pacific Island Countries and Territories (PICTs) in their efforts to implement the Pacific Platform for Action (PPA) and the Beijing Platform for Action and the extent to which advancement of women and gender equality has been attained (SPC, 2004a). The Ninth Triennial Conference focused on the commitments made by Pacific governments with an invitation to reflect on progress made towards advancing women's human rights in the region. Attended by senior officials and women leaders from Pacific states, development partners, non-government organizations, researchers and academics, the large number of attendants would reflect on the previous decade and the aspirations of Pacific women.

In preparation for the Ninth Triennial Conference (Conference), the Bureau of Women of the Secretariat of the Pacific Community (SPC) commissioned independent studies (Review) to

¹⁴ American Samoa; Cook Islands; Fiji; French Polynesia; Guam; Kiribati; Marshall Islands; Federated States of Micronesia; Nauru; New Caledonia; Niue; Northern Marianas Islands; Palau; Papua New Guinea; Pitcairn Islands; Samoa; Solomon Islands; Tokelau; Tonga; Tuvalu; Vanuatu; Wallis and Futuna

provide in-depth analysis of some of the significant issues arising out of the principles and goals of the action platforms. A major output was to be the review of the thirteen critical areas of action under the PPA (SPC, 2004a p. 13). The review of the PPA disclosed several challenges in the implementation of the Platform stating that “...progress has been very slow in many other areas such as the status of women in public and political life and in development and the development of the legislative, legal and administrative provisions that must accompany improvements in women’s status” (SPC, 2004a). Additionally, the PPA Review points out the existing “institutional, political, and cultural factors seen as the main barriers to change” (SPC, 2004a). For the first time, culture has been clearly stated as a barrier to the advancement of women and to the recognition of women’s human rights in the region. This language is largely absent in the original draft of the PPA and in fact, culture in the context of PPA requests for ‘mechanisms to preserve customs, cultural and traditional values’. Culture in the context of the PPA review has been redefined to mean something that is harmful to Pacific society and especially to the advancement of women. Additionally, emerging from the Review is an assertion of culture as a barrier to women’s human rights and therefore largely paralleling the global language on women’s human rights. The Review thus recommends for an immediate attention of all parties for the progression of the PPA and the Beijing Platform for Action including ratification of CEDAW.

Table 2: Papers Presented at the 2004 9th Pacific Women Triennial Conference

<i>Report</i>	<i>Author</i>
Pacific Platform for Action on Women: An Evaluation of the Thirteen Critical Issues and the status of Pacific Women 1994 - 2004	Penelope Schoeffel, Consultant, 20 July 2004
Review of Institutional Mechanisms, Policies, Legislation and Programmes in Support and Promotion of Gender Equality in the Republic of Marshall Islands, Samoa and Fiji	Elise Huffer, Department of History/Politics, University of the South Pacific
Globalisation and Trade and the Impact on Pacific Women	Margaret Malua, KVA, Samoa
HIV/AIDS and Women in the Pacific Island Countries and Territories ⁵	Chaitanya Lakshman, Institute of Justice and Applied Legal Studies, Suva
Government Budgets and Gender Equality in the Pacific Islands	Rhonda Sharp, Hawke Research Institute, University of South Australia
Migrant Women Workers	Avelina Rokoduru, Department of History/Politics, University of the South Pacific
The Impact of Tradition and Religion on Women's lives in the South Pacific	Akuila Yabaki and Eta Varani Norton

Source: Author

The Review outlines an extended list of recommendations for progressing the PPA, however, I review only those recommendations relevant to the argument of this dissertation. Addressing the importance of ‘culture and family’ to Pacific states, the Review recommends the protection of “traditional knowledge and expressions of culture”, necessary to address past practices of appropriation of traditional knowledge, stories or art forms in the Pacific without access to benefit sharing or legal recourse by the traditional owners (SPC, 2004, p. 98). Based on

the Review recommendations, the Ninth Triennial Conference would urge Governments to “formulate policy and programmes to record traditional knowledge and preserve positive customary cultural values, traditions and practices” (SPC, 2004, p. 98). This is an important step in the recognition of Pacific cultures; however, I would argue that this practice of ‘recording of traditional knowledge’ is often absent of recognizing the importance of this knowledge to Pacific communities. This practice therefore becomes an overt dismissal of lifeways significant to the people of the Pacific. Prioritizing culture for the Pacific is not simply a matter of recording this knowledge for the ‘archives’ of some research institution in the West. What is necessary is a deeper understanding of culture, understanding the values and cultural practices present in Pacific communities today.

In attending to the topic of Indigenous rights, the Conference recommends the promotion of cultural exchange. Additionally, the Conference states “(t)he Pacific Platform for women recognized that there exists a denial of rights to some indigenous peoples within the Pacific region. All Pacific Island governments, including US and French territories, have empowered indigenous majorities except for New Caledonia, which has an indigenous majority government in two of three provinces (SPC, 2004, p. 70). Further, the Conference recognizes the right of all indigenous peoples to self-determination (SPC, 2004, p. 70). Statements are made regarding Pacific people’s desire for recognition and for the centrality of culture and indigenous rights in addressing changes in their communities. For example, customary practices that are uplifting of women and necessary to revive are not necessarily on the agenda of regional organizations or development partners. Rarua (2001) comments,

Missionaries through their evangelizing missions abolished most of the customary practices that were inhumane. They also abolished and changed many customs that were

positive and beneficial and in some instances dramatically worsened gender relations to the disadvantage of women, for example by instilling the idea that women belonged at home doing domestic tasks while men did the gardening. Indigenous beneficial customs need reviving as part of the ongoing process of decolonization. (pp. 8 – 54).

Commissioned research and studies advocating for the “recording of knowledge” eschew local context and the in-depth analysis needed to understand the lived experience of the Pacific space. As such, we can see that the recommendations are not necessarily relevant nor do they reflect the reality of what is happening in the Pacific.

The Ninth Triennial Conference called on governments to uphold the identity and rights of indigenous peoples, especially the rights of women, in the development process, and particularly intellectual properties and copyright protection of their creative arts (SPC, 2004, p. 71). The Conference further called on the Secretariat of the Pacific Community (SPC) to continue to work with Pacific states to develop a model law on the protection of intellectual property and traditional knowledge. Thus, in addressing Pacific people’s call for the recognition of Indigenous rights, the Conference is encouraging specific research and work on traditional knowledge and the protection thereof. Women’s rights in the development process and protection of indigenous knowledges are important aspects of the contemporary space of indigeneity. Critically however, these developments do not address directly Pacific people’s desire for the recognition of their rights and identity. Pacific peoples struggle to voice their concerns about the reality of the (post) colonial Pacific and continue to question the various restructuring activities in the Pacific largely driven by the ambitions of the larger states in the region and to queries related to issues of sovereignty.

The Review recommends that the PPA be revised “so as to operationalise it, to include some emerging issues and to have indicators to assess progress with its aims” (SPC, 2004, p.55). The Review further states that whereas it is important to retain the vision embodied in the Pacific Platform for Action it is necessary to define a more practical, and achievable set of goals which are accompanied by a specific set of implementation strategies, and indicators for monitoring progress (SPC, 2004, p. 23). The thirteen critical areas defined in the PPA were clustered into four thematic areas: mechanisms to promote advancement of women, women’s legal and human rights, women’s access to services, economic empowerment of women. The focus on culture and Indigenous rights have been removed from the PPA. Note however, that the Report claims “Pacific Island countries will continue to choose their priorities from the PPA as reflected in National Plans of Action” (SPC, 2004b, p. 89), however now absent of culture, a critical area needing to be addressed and previously prioritized by Pacific women. Despite the declarations for the ‘upholding’ of Indigenous rights and to ‘encourage’ research on traditional knowledge and protection, these statements remain meaningless as they are absent in the four thematic areas of implementation on the revised platform.

Pacific states are additionally reminded that the main focus of the SPC Women’s Bureau work is to advocate for the ratification of the CEDAW as well as assisting in the full inclusion of its provisions in national legal, legislative and administrative arrangements (SPC, 2004, p. 41). Additionally, CEDAW remains the Bureau of Women’s ‘strategic guide’ in progressing women’s human rights work in the region.

5.2.2 Review of the Revised Pacific Platform for Action 2005 – 2015

The second cycle review of the Revised Pacific Platform for Action (RPPA) notes the support from the Pacific Women Shaping Pacific Development Programme of the Government

of Australia for its support in contracting the Review (SPC, 2016, p. 3). The Review additionally notes that the literature review has been organized according to the eight critical areas of investigation identified in the study Terms of Reference (ToR) (SPC, 2016, p. 3). The critical question remains on the degree of influence from development partners and whose priorities are reflected in the outcomes of these reviews. Reviewing the eight critical areas of investigation reveals the absence of the principal issues identified in the 1994 PPA – issues and challenges related to culture and indigenous rights. Additionally, there is no acknowledgement of this knowledge gap in the review.

The substantial focus of the Review of the RPPA is on the different Pacific regional and global instruments guiding implementation policies and programs of the Pacific states including the technical aspects of progressing the RPPA. Thus, the Review insists on the need for the RPPA “to be seen within the context of other gender equality commitments such as the *CEDAW* and the Pacific Leaders’ Gender Equality Declaration (PLGED) (SPC, 2016, p. 1). The Pacific Leaders’ Gender Equality Declaration of 2012 endorses Pacific leaders’ commitment to gender responsive policies and programs in six key areas including ending violence against women; embracing women’s participation in all levels of decision-making; promoting gender responsive legislation, policies and programs; economic empowerment; improving reproductive health services for adult and young women and improving education and training opportunities for girls and women (SPC, 2016, p.22). The Review further states that the PLGED is a high-level political commitment focused on outcomes applying specifically to the 14 Forum Island Countries (FIC) rather than the 22 Pacific Island Countries and Territories (PICTs) that are members of the SPC. To FIC leaders and especially to the region’s major donor, Australia’s Department of Foreign Aid and Trade (DFAT), PLGED is a specified priority given its

alignment with the proposed establishment by Australia of a regional \$320 million dollars for gender equality program (SPC, 2016, p. 23). Due to the alignment with Australia's priorities, the PLGED implementation is given funding priority and therefore becomes an important policy in the region.

The Review recommendations include RPPA alignment with the SAMOA Pathway (Small Island Developing States Accelerated Modalities of Action Pathway), an instrument identifying crucial roles for women with an additional focus on mitigating the effects of climate change. Additional recommendations include the proposed stand-alone goal for gender equality in the SDGs (SDG 5) and the gender-related issues that affect all other new SDGs, including any relating to development effectiveness (SPC, 2016, p. 4). Aligning all of these commitments includes the Framework for Pacific Regionalism a critical instrument that calls for *full inclusivity, equity and equality for all people of the Pacific* (SPC, 2016, p. 4). The RPPA Review is brief on barriers to the effective implementation of the RPPA listing “lack of continued visibility of the RPPA and low political will at national level” as significant obstacles (SPC, 2016, p. 27). The RPPA Review however makes a number of recommendations stating that “future Platform should embrace an explicit rights-based approach and rights-based language, and should be inclusive of diverse groups, including but not exclusively young women, women with disabilities, women with diverse sexual orientations” (SPC, 2016, p. 29). In reference to progressing women's legal and human rights, an explicit “goal is to eliminate all forms of discrimination against women with the ‘objective’ of having all governments to ratify CEDAW” (SPC, 2016, p. 29).

It is worth noting how the Review addresses the original PPA critical areas relating to culture and indigenous rights. Pacific states are encouraged to uphold customary cultural values

and traditions, through policy and programs to record traditional knowledge and preserve positive customary cultural values, traditions and practices (SPC, 2016, p. 43). Additionally they are encouraged to uphold the identity and rights of indigenous people, especially the rights of women, in the development process, support international initiatives for indigenous rights and initiate national and international government policies on indigenous rights (SPC, 2016, p. 44). Brief reference is made of these areas of critical concerns in the Review treating aspirations of Pacific women inconsequential. It is additionally a reflection of regional commitments and the influence of bilateral donors purporting to be helping Pacific states. The absence of the ‘interface of culture and modernity’ issue continues however, to emerge from the various national and regional reviews of BPfA and the RPPA and in the triennial meeting of Pacific women. Despite documents pointing out culture as a barrier to progression of women’s rights in the Pacific, there remains limited discussions about what this culture barrier means, why it exists and how it can be better understood in the context of women’s position in the Pacific.

Finally, it is interesting to note from the Review – the RPPA designates *CEDAW* as the guiding instrument for PICTs in reforming elements of their national Constitutions, laws and legal processes that perpetuate discrimination against women (SPC, 2006, p. 4). Calls for Pacific ratification of the core human rights treaties generally coincide with the United Nations periodic calls on member states to ratify the core treaties. At the regional level, ratifying and implementing the *CEDAW* is identified as one of the goals of the SPC’s Social Division Bureau and is additionally embedded in regional agreements such as the PLGED and the Pacific Plan. The vision of Pacific leaders is for a region “respected for the quality of its governance, the sustainable management of its resources, the full observance of democratic values, and for its defence and promotion of human rights.” Initiative 12.5 in the Pacific Plan is to “ratify and

implement international and regional human rights conventions which would include the ratification and implementation of the CEDAW”.

Collectively and under the guidance of the SPC’s Women’s Bureau, the commissioned studies aimed at reviewing the Pacific Platform of Action (PPA) provide a long list of recommendations. The initial review of the PPA 1994-2004 recommends a set of practical and achievable set of goals, clustered the thirteen critical areas of concern outlined in the original draft of the PPA into four thematic areas and in the process omitted the core central concerns of Pacific women – culture and issues of sovereignty. This has largely impacted the necessary discussions related to the concerns of the Pacific women and women’s human rights and therefore effectively diminishing Pacific women’s voice in this space. The subsequent review of the (R)PPA 2005 – 2015 is similarly silent on the centrality of culture for Pacific women. The review instead recommends the implementation of the various regional and global instruments with a focus on regional agreements largely led by regional development partners. This turn in focus towards global imperatives driven by regional development partners deploys the same narrative put forth globally on the subordinate position of women and to culture as a barrier to change.

The reviews mention culture in passing, reiterating previous recommendations however largely absent of substantive discussions on the role of culture in women’s human rights work. Pacific states are instead encouraged to record traditional knowledge, preserve positive customs and traditions as well as to protect traditional knowledge and expressions from appropriation. Recommendations of this type underline the limitations of the reviews in addressing the concerns of Pacific women in relation to the centrality of culture. I would argue again that this fragmentary approach to addressing culture remains superficial and is an attempt at derailing the

substantive work of centering culture in global agreements and therefore to recognize the importance of culture to Pacific peoples.

5.3 Beijing Platform for Action in the Pacific – Reviews and Milestones

Preparations of regional review and appraisals of the Beijing Declaration and Platform for Action (BPfA) are carried out by five (5) United Nations regional commissions in five-year intervals. The regional commissions collaborate with the UN Division for the Advancement of Women of the Department of Economic and Social Affairs in the review process. Coordinating the review for the Asia-Pacific region is the UN Economic and Social Commission for Asia and the Pacific (ESCAP). In preparation for the review and appraisal of progress, Member States are provided a set of guidelines and a questionnaire with four sections covering information on progress since the most recent review and appraisal period. Additionally, regional commissions make use of other resources including statistics and state reports submitted to UN agencies, regional plans and national plans including reports to relevant regional and global frameworks. The Triennial Conference of Pacific Women and the Meeting of Pacific Ministers for Women are convened every three years to report on the progress of the RPPA and the Beijing Platform. The Ninth Triennial Women's Conference held in Fiji in August 2004 focused discussions on the assessment of the status of women in the region and on the Pacific Platform for Action (SPC, 2004b, p. 9). The gathering additionally provided an opportunity for Pacific governments to prepare for the review of progress for the Beijing Platform for Action 1995. The Beijing+10 review took place along with the review of the RPPA and has been discussed in that context in the prior chapter. This section will focus on the subsequent reviews of the Beijing Platform for Action 2010 and 2015. The overview and analysis cover two reviews of the BPfA in the Pacific

region – these are the two periods in which Palau produced a report for the Pacific region and the regional Asia-Pacific report.

Commissioned research papers provided the basis for discussions highlighting accomplishments and identifying challenges at the national and regional levels. The research papers addressed the following topics:

- Pacific Platform for Action on Women: An Evaluation of the Thirteen Critical Issues and the status of Pacific Women 1994 – 2004
- Review of Institutional Mechanisms, Policies, Legislation and Programmes in Support and Promotion of Gender Equality in the Republic of Marshall Islands, Samoa and Fiji
- Globalisation and Trade and the Impact on Pacific Women
- HIV/AIDS and Women in the Pacific Island Countries and Territories
- Government Budgets and Gender Equality in the Pacific Islands
- Migrant Women Workers
- The Impact of Tradition and Religion on Women's lives in the South Pacific

Triennial Conference outcome documents including findings and recommendations were discussed in the subsequent Pacific Ministerial Meeting in August 2004. Outcomes of the Pacific Ministerial Meeting would be communicated to ESCAP for inclusion in the Global Review and Appraisal of the Beijing Platform for Action (Beijing+10).

5.3.1 Beijing + 15: Review of progress in Implementing the Beijing Platform for Action in Pacific Island Countries and Territories

In 2010, Pacific governments were invited to participate in the 15-year review of the 1995 Beijing Declaration and Platform for Action (BPfA+15). Pacific governments were given specific reporting guidelines from UN Women including a questionnaire to Governments on the

implementation of the BPfA+15. The process was facilitated by the South Pacific Community (SPC) with the Gender Division of the Human Development Program leading the review process. Of note is the message from Honorable Dame Carol Kidu DBE MP, Minister for Community Development, Religion & Sports, Papua New Guinea at the time.

That reality for many Pacific women has not improved as anticipated with the euphoria of Beijing and post-Beijing activities. In fact, life has become harder for some women as our societies grapple with the uncomfortable interface between tradition and modernity.

Some Pacific customs that traditionally provided protection for women have been abused to the detriment of women's welfare. In addition, the traditional decision-making power of women in the private sphere, as well as publicly in matrilineal societies, was eroded with the advent of patriarchal colonial powers, and has still not been acknowledged by post-independence male dominated parliaments. ...it is imperative that leaders at all levels... commit to the global social contracts that our nations have signed – the Beijing Declaration, the Convention on the Elimination of all forms of Discrimination Against Women and the Millennium Declaration. It is also imperative that reviews such as this 15-year review of our Beijing commitments provide a basis to move forward – not just for women but for all Pacific peoples.

Noting here that there is a recognition of the challenging 'interface between tradition and modernity' however, in the review and subsequent recommendations, culture is largely left out and without substantial discussions on how to move forward and to begin to address the issues of modernity and its relationship with cultural and traditional values. It would seem that despite culture and tradition being recognized as 'challenges' to achieving women's equality with men, very little discussion is actually taking place to reflect on finding ways forward. Once again,

claims that international human rights instruments are necessary to overcome or address issues concerning women's human rights in the Pacific are pointed out. How can we move forward unless we commit to prioritizing the work of unpacking the challenging interface between tradition and modernity?

The Beijing+15 Review outlines obstacles to implementation including challenges and gaps. The Review cites cultural beliefs, religious practices and social bias and lack of awareness of legal rights as hindrances to exercise of rights (SPC, 2010, p. 96). Additionally, the Review notes that “there is very strong resistance in the Pacific to changing laws and practices in ways that will protect women's human rights. Reflecting this attitude is a widespread lack of political will and commitment by governments to advance legislation, policies and programmes of this nature, or to police and enforce women's rights. Harmful practices are often prosecuted or dealt with under general non-specific criminal laws, outdated or ineffective laws, or laws that are not effectively implemented due to patriarchal attitudes or lack of resources” (SPC, 2010, p. 46). The Report further claims that “opponents of change often try to frame human rights as an imposed Western idea based on individual rights, when the Pacific way centres on family and communal rights” (SPC, 2010, p. 98). The Report outlines the continuing need for technical regional agencies such as SPC's Human Development Programme and RRRT and the regional UN offices to continue to work at national and regional levels supporting governments in meeting their commitments under CEDAW, the BPA and the RPPA through research, advocacy and capacity building of National Women's Machineries (NWMs) and targeted audiences such as those in decision-making positions (SPC, 2010, p. 98). Most Pacific governments struggle with sufficient human capacity as well as financial capacity to take on additional work outside of the regularly mandated policies and programs. As such it becomes quite onerous for Pacific

governments to fulfill the mandates and commitments of regional and global treaties. Pacific government thus rely largely on bilateral aid specifically focused on these global mandates and the subsequently funded regional agencies to provide the much-needed technical expertise.

The Report points out that “all countries in the region have ratified CEDAW, with the exception of Nauru, Palau and Tonga ... in Palau there is still widespread misunderstanding of CEDAW and the benefits it brings for women and society overall” (SPC, 2010, p. 94).

According to SPC (2010) report, Nauru did not ratify CEDAW because of archaic laws that need amending, a lack of qualified people available to draft new laws, and the government’s lack of prioritisation of CEDAW. Tongan Parliament however has explicitly refused to ratify CEDAW, stating that it goes against Tongan culture (SPC, 2010, p. 94). Palau’s non-ratification of CEDAW is attributed to limitations in understanding how CEDAW can in fact benefit Palau’s women and society. This statement shows the patronizing attitude of regional agencies and development partners in assuming that they know Pacific peoples better than they know themselves. This misleading statement is indicative of not only SPC but other regional agencies in their superficial treatment of the significance of cultural context. As much as the term ‘context’ is mentioned in discussions, the work of unpacking what all of this means has not been a priority for regional organizations. These statements additionally assume that the Pacific and Palau are “known” and have been defined to be such by experts from the regional and UN agencies.

5.3.2 Beijing + 20: Review of progress in implementing the Beijing Platform for Action in Pacific Island countries and territories

In a message introducing the Beijing+20 Review, the Prime Minister of Tuvalu Enele Sopoaga states that “progress under the Beijing Platform for Action in our region has been

uneven...despite important advances in health, education and human rights, several daunting challenges to women's full participation in all spheres of society remain. Among them are the exceedingly high rates of violence against women and the stiff barriers, in the form of customs, traditions and stereotypes, that constrain women's participation in decision-making and leadership.

The Review cites that despite some progress in advancing gender equality in the region, there remain recurrent manifestations of gender inequality in all sectors of the Pacific community, such as in high rates of gender-based violence, low proportions of women represented at all levels of decision-making, significant under-representation of women in the formal economy, inequitable access of women to health and social services, and in women rarely having their concerns reflected in strategies related to climate change, natural disasters, food security and renewable energy (SPC, 2015, p. 12).

The Pacific Forum Leaders' Gender Equality Declaration in 2012 reiterated the commitment of Pacific governments to gender equality, recommending renewed national action towards gender-responsive government programmes and policies. The Review states, however, in most PICTs, attention, resources and capacity committed to gender equality have been insufficient to achieve substantive gains. The Report maintains that the Beijing Platform for Action remains a critical instrument and an important reference point for accelerating progress towards achieving gender equality and that commitment to implementing all aspects of the Beijing Platform for Action need to feature highly on the political agendas of PICTs, development partners and civil society. Recommendations for accelerating the BPfA in addressing the human rights of women calls for Pacific Islands Countries and Territories (PICTs)

to accelerate work to ratify, report on and implement CEDAW and to review customary laws and practices for compliance with CEDAW (SPC, 2015, p. 86).

The Report states that programs addressing women's barriers to equality continue to focus on the practical needs of women such as access to education and public services, rather than their strategic interests (transformation of the causes of gender inequality such as challenging laws, policies and customary practices; equal participation in decision-making; control over strategic resources, etc.), which have greater transformative impacts on gender equality (SPC, 2015, p. 79). The Report mentions successful examples of policy and legislative changes citing the case study of the Mechesil Belau annual conference which "serves as a platform for decision-making in areas that contribute to improving the lives of women, families and communities ... traditional women leaders from each state hold a series of consultative meetings to identify and define issues to be addressed each year .. (i)t remains a dynamic space in which to discuss gender issues and make progress in improving lives (SPC, 2015, p. 85).

The Report continues the narrative denigrating culture, charging strong patriarchal cultures which have contributed to historical, systemic discrimination against women. More specifically, the Report refers to cases in Melanesia, pointing out that Governments often use customary rules in the context of land ownership as a means of preventing women or their direct descendants from sharing land resources equally with those who are descendant from the male lineage (Amnesty International 2008 in SPC, 2015, p. 84). The Review notes that "there is very strong resistance in the Pacific to changing laws and practices in ways that will protect women's human rights. Harmful practices are often prosecuted or dealt with under general non-specific criminal laws, outdated or ineffective laws, or laws that are not effectively implemented due to patriarchal attitudes or lack of resources (SPC, 2015, p. 46).

Unlike the tone of the Pacific Platform for Action reviews, the reviews of the Beijing Platform for Action are significantly stronger in their focus on the role of culture and the subordination of women in the Pacific. The BPfA reviews charge Pacific governments with the slow approach to addressing women's human rights stating that customary laws and practices attached to existing patriarchal cultures in the Pacific remain barriers to the advancement of women. Patriarchal cultures of the Pacific region are generally used as examples of cultural systems that consistently subordinates women. I argue that these research-based reviews of the BPfAs extend the misinformed narratives that homogenize Pacific cultures and generally paint a picture of Pacific culture as regressive and harmful to women. For example, the Reviews charge patrilineal societies for excluding women from making decisions relating to land ownership. Not all states in the Pacific subscribe to patrilineal based decision-making. In the context of Palau for example, women have strong claims to land remaining under clan ownership and with strong matrilineal women deciding on land rights and use.

Emerging from the BPfA reviews is the strong positioning of development partners and regional agencies on the topic of women's human rights and CEDAW. The reviews strongly recommend that Pacific states accelerate work to ratify, report on and implement CEDAW and to review customary laws and practices for compliance with CEDAW (SPC, 2015, p. 46). CEDAW is advocated as an instrument which will help ameliorate the subordinate position of Pacific women. The issue is that CEDAW is being advanced as an instrument for addressing existing and emerging issues on the topic of women's human rights including perceived discriminatory cultural practices. This however without seeking a better understanding of the more uplifting Pacific customs and cultural practices 'eroded with the advent of patriarchal colonial powers'.

In the political space where these discussions are held, competing claims of Pacific cultures are rarely heard and are instead labeled as regressive writ large.

5.4 Conclusion

The Triennial Conference is a space for Pacific women to come together to discuss regional issues and challenges, to bring context to these discussions and to find ways forward. The preceding narrative has revealed however, the diminishing voice of the Pacific women on the topic of women's human rights – their aspirations eclipsed by regional agencies and development partners' aims for the region. The SPC, the regional agency tasked with working with Pacific countries has instead become a vehicle for development partners to drive certain agendas in the Pacific. Through the narrative and in the space of the Triennial Conference and the review of the PPA and BPfA, we can see a marked development in the divide between Pacific countries and regional organizations and the insistence on the part of regional organizations and development partners in molding regional approaches to addressing the women's rights in the region.

The starting place for discussing women's human rights in the Pacific is invariably linked to culture and a sense of place which are not necessarily recognized in the global discursive on women's rights. Instead Pacific women's aspirations are subsumed under others' priorities and defined along with others. This is of course untenable and must change if women's rights advocates do not want to risk regression of rights for other women in the world.

CHAPTER 6: PALAU AND THE CEDAW EXPERIENCE – THE ISSUE OF RATIFICATION

This chapter details Palau's experience with women's human rights work and specifically looks at the CEDAW ratification process in Palau. The chapter examines the ways in which CEDAW ratification was promoted in Palau and explores the partnership between regional organizations and Palau's government and the subsequent influence over the ratification process. The chapter delves deeply into the narrative deployed in support of the Convention and identifies Palau government's role in support of it. I argue that the language used to encourage ratification remains the same elsewhere globally, advocating for global sisterhood and gender equality with a singular focus on ratification. This singularity in thinking therefore eliminated alternative theorizing about women's human rights from the perspective of Palau's matrilineal culture. There was a clear absence of interest in hearing what Palau's women had to say about women's human rights and the CEDAW as an instrument for the advancement of women. The experience of Palau's ratification of CEDAW was very much influenced by global processes and development partners who prioritized their interest over that of Palau's. Complying with international norms meant an increased pressure on government counterparts to respond to international requests and having to balance decisions based on global frameworks and diplomacy as well as local desires and aspirations.

Palau's ratification of the CEDAW has been a long and protracted process beginning after Palau's Independence on October 01, 1993. Soon thereafter, Palau's membership request to the United Nations would be accepted and Palau would become the 185th member of the United Nations on December 15, 1994. Palau's recent membership at the time would coincide with the preparations for the Fourth World Women's Conference initiating a number of meetings in the

Pacific region. As a new member state, Palau would be called upon to sign a number of UN Conventions specifically the UN Human Rights Conventions. The first international human rights instrument that Palau would accede to is the UN Convention on the Rights of the Child (UNCRC) on August 04, 1995.

CEDAW ratification was clearly on the agenda set for Pacific countries. Regional organizations in the Pacific, specifically the SPC, would take the lead in awareness building and in prompting through various commitments and policies to encourage ratification. As a newly independent country and member of the United Nations, Palau would be ushered into the women's human rights movement with fellow Pacific states. Correspondingly, Palau would be subjected to numerous calls and pressure to ratify CEDAW. SPC's Women's Bureau at the time began sending technical advisers to Palau to conduct CEDAW awareness campaigns and meetings with CEDAW ratification outcome. At least it seemed that ratification of CEDAW would be guaranteed in Palau. Knowledge holder #3 gives account of the CEDAW ratification process having participated in the earliest women's rights advocacy work globally and locally in Palau.

Te mle kakerous el redil e lomtechei era UN el ngara Fiji a mlei el *melterau* era CEDAW. Te mlei el me mesaod ra CEDAW el uase ngungil – ra temel a Nakamura el mera Tommy el mera Johnson. Ngmlorngii a CEDAW Convention era redil er Belau era Chamayong – tia sera ltemel a President Johnson.

There were different women representing the UN (office) in Fiji coming to advocate for CEDAW. They came to discuss CEDAW, to say that it was acceptable – from Nakamura to Tommy to Johnson. There was a CEDAW Convention for Palau's women at the Chamayong during President Johnson's administration.

She relates the CEDAW ratification process taking place during the administration of President Kuniwo Nakamura and soon after Palau's independence in 1993. CEDAW awareness building and ratification advocacy continued during President Tommy E. Remengesau, Jr.'s administration from 2000 – 2007, and into President Johnson Toribiong's administration from 2008 – 2011.

6.1 Palau's Participation in the Beijing Conference and CEDAW Sixth Triennial

As the Pacific region began preparations for the Fourth World Conference on Women in Beijing, Palau was invited both to participate in the preparatory committee for the Pacific region and to participate in the event in Beijing. Along with the other Pacific states, Palau was requested to draft a report of its progress towards the Nairobi FLS. Knowledge holder #8 who was part of the team commissioned to write the Palau report gives insight to the process.

Seikid el taem a Palau Resource Institute a kildmeklii a report...seikid el taem el mle Minister a Riosang Salvador e mle ask er kemam ma ki rirellii a report er Belau. Meng milekedmokl e mlodars el mora Mr. Riosang, me nguldureklii el mora Basibik er sel le SPC Women's Resource Bureau e te oldek dak e mecherrungel sel report er Belau el mora Beijing el mo part er a report er a Basibik to the UN.

At the time, the Palau Resource Institute drafted a report...at the time Minsiter Riosang Salvador was a Minsiter and asked us to draft Palau's report. The report was drafted and sent to Mr. Riosang, he sent the report to the Pacific to the SPC Women's Resource Bureau and was compiled along with other Pacific states for the Pacific Report to the UN.

A local consulting firm at the time, Palau Resource Institute, was commissioned to help compile Palau's national report on the progression of the Nairobi Forward Looking Strategies (FLS) to the Fourth World Women's Conference in Beijing in 1995. The report emphasized the

centrality of culture to Palau's people and reiterated the cultural position of Palau's women and the importance of that role. The report's cultural focus supported and validated the Pacific region women's desire for the focus on culture in the women's human rights work. The final report was transmitted from the Ministry of the Community and Cultural Affairs through the Ministry of State of Palau to SPC's Bureau of Women for the compilation of a Pacific regional report to Beijing. In May 1994, two representatives from Palau attended the Sixth Triennial Conference of Pacific Women in Noumea which would give direction for the Pacific report on the progress of the FLS. Representing the government of Palau from the Ministry of Community and Cultural Affairs, was Ms. Faustina K. Rehuher, at the time affiliated with the Belau National Museum and the Palau Resource Institute, the firm commissioned to compile the Palau national report. She would subsequently serve as a chairperson for the Micronesian region during conference negotiations and discussions. Attending the Conference with Ms. Rehuher and attending as a 'resource person' was Ms. Sandra Sumang Pierantozzi. She would later become the first woman in Palau to hold the second highest office in the nation as the Vice President and would be instrumental in bringing CEDAW awareness and consultations to Palau during her tenure.

Knowledge holder #8 notes that Palau had an opportunity to participate in the Fourth World Women's Conference in Beijing in August 1995 following the Triennial Conference. Heads of governments in charge of ministries of women including non-government women associations were invited to attend the Conference.

Seikid el world conference el miting er a Beijing, seikid a Bilung a mlora world conference mar bebil ra remechas e mlor seikid. E seikid at the same time eng mlarngii sel official miting, e dirrek el diosisiu el taem eng mlarngii a NGO miting el diosisiu a

temel el mlara Beijing. Ngmle sorir el melisiich a ikel NGOs el mesaod a tekoi era kleredil.

Bilung and other women elders attended the World Conference in Beijing. There was an official meeting and at the same time there was an NGO meeting in Beijing. They were interested in strengthening NGOs supporting women.

Notably, representatives of the the Mechesil Belau, Bilung and Ebil Reklai, attended as part of the Palau delegation to Beijing. Bilung is the paramount female chief of the southern alliance of villages traditionally headed by Oreor village, currently the State of Koror. Kathy Kesolei attended the Beijing Conference representing Ebil Reklai, the paramount female chief of the northern alliance of villages traditionally headed by Melekeok, currently the State of Melekeok. Mechesil Belau was at the time, a recently formed group of Palauan women chiefs, each chief representing the sixteen (16) traditional villages and now states of Palau. Head of the Palau delegation and government representative was Riosang Salvador, at the time Minister of the Ministry of Community and Cultural Affairs. In his delivery of the Palau statement, Minister Salvador would reiterate the status of women in Palau's matrilineal society and the importance of those cultural values to Palau's society. The platform for discussions at this global level was limited, however in accommodating other perspectives. The technical language as well as compacted time for country statement delivery would not allow for elaboration of significant areas of concerns for Palau and the Pacific.

It is instructive to note the significance of Bilung and Kathy Kesolei's presence in the Conference and Palau's position in centering culture in women's human rights work. Mechesil Belau was not an ordinary NGO promoting women's rights. As an organization of traditional women leaders, Mechesil Belau was very much grounded in Palau's culture and served to bridge

Palau's traditional women leaders and the contemporary context including leadership roles. Their intention in Beijing was to bring focus to the importance of cultural practices that recognize the significant roles of women in society, specifically the central role of women in matrilineal society and to bring an alternative narrative to the debate on women's human rights discursive.

6.2 Post Beijing 1995: CEDAW consultations and attempts at ratification

Shortly after the Fourth World Women's Conference in Beijing, the drive for ratification of the CEDAW would begin in earnest, not only in Palau but across the Pacific region. The first attempt at CEDAW ratification in Palau came after a CEDAW consultation led by a technical adviser from the SPC's Women's Bureau, Noumea office. The UN treaty was transmitted to Olbiil er a Kelulau (Palau National Congress) for ratification consideration. Article IX, Section 5.7 of the Uchetemel a Llach ra Beluu er Belau (Palau Constitution) requires treaty ratification by vote of a majority of the member of each house – the Senate and the House of Delegates (Palau Const. art. IX, § 5.7). Knowledge holder #3 speaks to the urgency of countering the Palau congress processes and the ratification of CEDAW.

Sel taem era Nakamura ea Surangel a mle President ra Senate. Seikid e kemam ra lolisechakl er kemam erngii e merekong ea Senate el President erngii a Surangel a mlo kongei el kmo ngkired el nguu a CEDAW. Ma kukor e luchesii a babier rengak as a Bilung el mora Tony Bells el mle Speaker era House ma ikel rokui el llechul a CEDAW elngii omtok a ikel klisichir a redil er Belau ra siukang. E dilu era Tony el uase lak molai ra CEDAW me seikid el mle stob el dimlak lolai rengii. A redil re Belau a diak lekengei ra CEDAW. Ng conflict a ikal lechull a CEDAW ra ikal llechul a redil re Belau lokiu a siukang.

During (President) Nakamura's time, Surangel was the President of the Senate. At the time of the campaign for ratification, Senate President Surangel would agree on ratification of CEDAW. So I wrote to Tony Bells, Speaker of the House about all the articles in CEDAW which would come into conflict with Palau women's strong traditional status. And I said not to ratify the CEDAW, so it did not pass. Palau's women do not agree to CEDAW. There are conflicts with the CEDAW articles and rules related to women's traditional roles in Palau.

While the House of Delegates were holding discussions on the merits of the UN treaty, the Senate in separate discussions had concluded that CEDAW would benefit Palau's women. Under the leadership of the Senate President at the time, Surangel Whipps, Sr., the Senate was in agreement about ratification. While both houses of Congress were entertaining the ratification of CEDAW, Bilung, as the leader and representative of the Mechesil Belau sent an extensive written communication to the Speaker of the House of Delegates at the time, Antonio Bells, in opposition of ratification of CEDAW. In that communication, Bilung urged the Speaker of the House not to ratify CEDAW maintaining that CEDAW would come into conflict with the culture and traditions relating to the role of women in Palau society. Bilung further identified the specific roles of women negated with the ratification of CEDAW. Ratification of treaties require majority votes from both houses of Olbiil er a Kelulau. Indication from the House of Delegates that approval of the ratification was not forthcoming and with the increasing pressure from the Mechesil Belau to rethink ratification, the treaty consideration was stalled and subsequently came to a halt.

6.2.1 2010 CEDAW consultations and Mechesil Belau

The year 2010 would mark the final attempt at ratification of CEDAW in Palau. Effort was made to reach out to women traditional leaders to understand the reasons preventing the ratification of CEDAW from the women's perspective and to gain their endorsement of the UN treaty. In his new role as the Minister of State, knowledge holder #10 recounts events leading to the 2010 ratification process.

A tara mle uchul tirkel chad er a UN el based era regional office ra Fiji a blechoel sel lemei e te kuase, bek el beluu ra Pacific a mla accede el mor tial convention except er Belau ma Nauru ma Tonga. A ikeikid a mle cheldechederir e merekong e meng diak lesang el kmo ngera uchul ma Belau a diak el accede to it. Ea uriul ea Nauru a mle pass er tial convention e di mlo medechel a Tonga me kid a remaining el Pacific Island el dirkak de accede to this convention. Ngkora mekngit el kora ngdiak el terached engdi ngkora imol medechel tekoi el dirkak el rellii a Belau ea rest er a rsechelirir a mla pass erngii. Eak mo Minister ra State e mo ikakid el tekoi a ledu rekemam a UN mak mle inherit e kuase me bo doruul er tiang leng diak kisang a telemellel. Ma ki mlo lengit ra remechas e uluu miting lobengterir.

Fiji based UN representatives continued to ask why Palau, Nauru and Tonga did not accede to the Convention when the rest of the Pacific states had already ratified. They did not understand why Palau did not accede. After Nauru passed the Convention, Tonga and us remained the only Pacific Islands not acceding to the Convention. It is not good; it is the only remaining item that Palau has not accomplished while the rest of the Pacific friends have passed it. So I became a Minister of State and was told these things by the

UN so inherited this and said we should ratify because I didn't see any negative impacts.

So we asked the women elders to meet for discussions.

Knowledge holder #10's initial experience with CEDAW in his capacity as the Minister of State, came with direct observations and discussions with regional organizations and development partners. He points out that in his interactions, questions would eventually be raised regarding Palau's reticence in ratifying the CEDAW. Further, statements directly aimed at Palau's non-conformance cite inconsistencies between Palau women's strong position in the society and the opposition to ratification. In other words, as a strong matrilineal society with women placed in 'equal standing with men', it would be reasonable to conclude that Palau would support ratification of CEDAW – however, it does not. Reactions from regional agencies and development partners would lead him to question Palau's position regarding CEDAW. UN appeals for the ratification of international human rights treaties and specifically CEDAW would eventually come to his attention. Knowledge holder states that after reviewing the CEDAW and the different articles outlined in the treaty, he did not see that it would impact Palau negatively. He would also maintain that what encouraged him to pursue ratification is the ratification of the treaty by a number of Pacific 'colleagues'. Palau, along with Nauru and Tonga would necessarily be mentioned as the three remaining countries in the Pacific not having ratified CEDAW. While in office, Nauru would ratify CEDAW leaving Palau and Tonga as the two lone Pacific countries defying ratification.

In his position as the Minister of State, the knowledge holder is clearly well established in the diplomatic space both regionally and globally. As such, he is well aware of the necessities of negotiations and compromise that may be necessary for international diplomacy. He discloses the questions raised by region and global agencies as to Palau's position on the CEDAW and the

narrative of women's rights vis a vis Palau's women's position and therefore signifying the reality of the insistence on conforming. Knowledge holder #10 further talks about the process of bringing together Palau's women to discuss CEDAW.

A CEDAW a ki dim ngiluu e uase since a organization ra redil a Mechesil Belau, tirkeikid a de bor tir. Ngdimlak a ngodech el ki mesang el sebechel mesaod er a tial tekoi er a CEDAW. Leng...a Mechesil Belau a ngarngii a representative ra ikal beluu...ma ki ulemdasu el uase that would be the best. Ngdiak el sebeched el melai er tir el rokui leng dimlak a taem. A ki di mle sebecham el uase me ki mouchais er a representative leaders ea lsekum eng ngarngii a cheldechederir el kirel a CEDAW e te mor sel plenary ra annual conference ra remechas e melai ra rechad el kmo me bem sodii tial CEDAW.

We approached the Mechesil Belau since it was a women's organization. We did not see other organizations able to discuss this topic. Because Mechesil Belau had representatives from all of the states of Palau and so we thought this was best. We could not organize all the women at the time. We were able to inform the leaders and all women would be invited to the annual conference of the Mechesil Belau where CEDAW would be discussed.

Proceeding with the ratification process would begin with consultations with the strongest opponents of the treaty – the Mechesil Belau. Mechesil Belau is a very influential organization of women headed by the highest-ranking women of Palau, Bilung and Ebil Reklai. The core group of women members of Mechesil Belau hold the highest-ranking traditional titles of their different clans and villages. It is also important to note that most of these women are considerably advanced in age ranging from mid-sixties to late eighties. In the preparations for CEDAW ratification, the Minister of State at the time decided to approach the traditional women

leaders of the Mechesil Belau, primarily due to the importance of building a relationship with the women leaders and to create a space to discuss CEDAW with recognition that it has been a topic of contention since earlier advocacy for ratification. Additionally, these women leaders represented their clans and villages and therefore important links to the rest of Palau's women. Secondly, treaties and commitments such as CEDAW and subsequent relations to status of women in Palau cannot be discussed without the participation of Palau's women and especially without the sanction of the women traditional leaders. Knowledge holder #3 talks about the importance of bringing all of Palau's women together to learn about CEDAW and what ratification would mean and further elaborates on the process of calling a women's meeting.

Leng kmal chelderoder a cheldebechel ra redil... rokui el redil el ngarar remeteet el mora remechebuul. Ngdimlak e lemeringel ra diak el ngerang ... kemam a redil re Belau a ngarngii a cheldebechel er kemam... rirellii meng beot. E merekong e ngarngii a right el channel el uase ngmekerang a chomolker ra redil re Belau. E ngak el Bilung a oungerachel a ikel 10 states ra kuk bital eanged ma Ebil Reklai a kuk oungerangel a 6 states era bital eanged. E sel ki momekedong ea ki omekedong a ikel bterrir a ikel beluu ea ki me keldibel. A kidi ulekiu a Mechesil Belau e omekedong er a rechad me sel momekedong ra rechad eng reach er a rokui el redil.

Traditional women's groups are well organized...all women, high clan to low clan. It was not difficult to convene because we Palauan women have our traditional women's organizations which made it easier to organize. And there is a very specific process of organizing a meeting for the women of Palau. And I, Bilung oversee the 10 states of one side of the sky and Ebil Reklai oversees the six states of the other side of the sky. So

when we invite the women leaders of the states, we come together. Through Mechesil Belau, we invited all women.

Organizing the conference of women was not problematic as the invitation for the conference reflected traditional processes for convening gatherings. All Palauans identify and belong to a clan within their village and most often belong to village clubs – this continues to be practiced in Palau today. This network of clan affiliations through core villages allows for organizing conferences, customary practices and similar activities in a much more structured however fluid process. Bilung and Ebil Reklai in their traditional capacity, convene the annual conference of women. Bilung, overseeing the ten states in the southern alliance of villages, organizes the traditional heads of those ten villages. Ebil Reklai, overseeing the 6 states in the northern alliance of villages, organizes the heads of the six villages. This is how women of Palau are called for such important meetings and thus is the process for convening meetings from the women leaders of the two halves of Palau, bital eanged ma bital eanged – the two sides of the sky.

Needing to reach a large number of women of Palau to get their feedback on CEDAW and to respond to emerging questions on issues around ratification, the Ministry decided to seek the support of Mechesil Belau in facilitating the discussions and to encourage Palau's women to attend the CEDAW consultations. Knowledge holder #10 pointed out that the "Ministry did not have the time nor did it have the necessary financial and human resources to conduct these consultations throughout Palau at the time. As such, the more practical approach was to work with the Mechesil Belau in order to reach a majority of women in Palau".

E ngiltiterir ar terul expert el mlara Fiji el mei – el mlei me te conduct a workshop ruchi.

Me kemam a mle teloi er tir e mle oker a ikel rokui el sorir a remechas loker a luleker re

tir meng mloiuid. Meng mlarngii a workshop er a Chamayong el mesaod erngii meng mlarngii a locha one or two days el kim ultaut erngii e uriul eng uai sel final sils eng a ki mlo chadecheduch el tiang ngera dirk oltab erengii.

We brought in two experts from Fiji to conduct a workshop before the Conference. We were part of the workshop responding to all questions and translations the women asked. There was a one- or two-day workshop at the Chamayong discussing the topic and after that we asked what specifically prevented the ratification.

The Ministry of State would request for CEDAW to be included in the plenary discussions during the annual Mechesil Belau Conference following smaller group consultations with members of the Mechesil Belau. As such, CEDAW would become a thematic focus of the annual Mechesil Belau Conference and participants and speakers would be given the space to debate and discuss the human rights of women in the context of Palau's changing society. The Ministry of State invited two CEDAW consultant experts from Fiji – a Gender Adviser from the Pacific Island Forum Secretariat (PIFS) and a Human Rights expert from the Secretariat of the Pacific Community's Regional Rights Resource Team (SPC-RRT). The experts were to help with the legal interpretation of the treaty including outlining the obligations that ratifying states had to comply with. Knowledge holder #10 would express his disappointment however in the response received from the Mechesil Belau.

Meng actually e sel kesus er a uchei er a leborngii a kora final cheldechcheduch e te mlara blil a Bilung el caucus el kmo tia kede mo mekerang erngii. Ma le bol kukuk e tedi mla melemesim el di molab el morngii. No matter what we do, no matter what we say, no matter what the consultants a kmung er a Bilung eng daik loltirakl a ikeikid el tekoi e di moltirakl a ledillii a Bilung el kmo tiang a diak dousbech erngii.

The night before the Mechesil Belau Conference and subsequent discussions of CEDAW ratification, they (the women elders) were at Bilung's home deciding on how to proceed with CEDAW. The next day, all the women were convinced to support her. No matter what was said and relayed to Bilung, the women elders were not convinced and instead continued to support Bilung's statement on the CEDAW, that it was not needed.

From his perspective, knowledge holder #10 argues that Bilung held significant influence as to how Palau's women would respond to the request to ratify CEDAW. He states that the evening prior to the Conference discussions, the women elders had gathered at Bilung's home to discuss CEDAW and further alludes that during this process, Bilung would convince the women elders to reject ratification.

The Ministry of Community and Cultural Affairs (MCCA) was involved as well in the 2010 CEDAW ratification process. As the lead agency tasked with coordinating the social services and cultural preservation work in Palau, MCCA would also have a significant role in coordinating and drafting policies to address emerging issues impacting women in Palau and is the focal point for women's human rights nationally, regionally and globally. The office therefore has had a long history with the global women's rights movement. The MCCA collaborated with the Ministry of State (MOS) to conduct the consultations with the Mechesil Belau including collaborating on the awareness and plenary discussions during the Mechesil Belau Conference. Necessary reading materials and documents were prepared for the meetings and the annual conference as reflected in knowledge holder #8's response.

Me tial CEDAW, a kngara obis e mle ask ra tara staff meng mle translate erngii el mo tekoi re Belau el uase ngmo sebecchel kor omes erngii el uase ngarngii a kora mo uldesuir a re mechas el kirel.

When I was in office, I asked a staff to translate the CEDAW document into Palauan language so that women elders would be able to have the information needed for decision-making.

Knowledge holder points out that the CEDAW was translated into Palauan to facilitate a better understanding of the Convention. The translated document was circulated among the Mechesil Belau during the workshops and a local translator with a legal background supported the discussions and in responding to specific questions relating to the articles of the Convention. Knowledge holder #8 further discusses the challenges of bring CEDAW awareness to Palau's community.

Ngdirkak el sal morngii a techellel el filter down el mor...tirkel meral mechas er a ikal bek el beluu el tir a uchul ma ikal beluu a ou teliil ma beluu a ngarngii, tirkaikid el mechas el diak el mechas ra re keblirir. (E)ng dirkak el sal kmal, ngdirkak el leborngii seikid el kmal choderderii el mo bleketakl. Ngua di dengar tia rebab e metenget. Kerdi ngar tia rebab e metenget meng uaia lak a techelled el filter down...ngochotii el uase a traditional system is still at work. Ngdi ngsebechel a government, I could have, sera le temek el Minister.

CEDAW has not filtered to all the women in the community, those women who are the backbone of the community but not necessarily ranking women. There has not been that clarity. It is like everything stops at the top level and so nothing filters down...it shows that the traditional system is still at work. But government is able to do this, I could have, when I was Minister.

Knowledge holder #8 points out that there remains a lack of awareness regarding CEDAW as a UN global treaty on women's human rights. More specifically, the knowledge

holder argues that treaty awareness has not ‘filtered down’ to all women in Palau. Those who have knowledge of CEDAW remain the top hierarchy of traditional leadership – furthermore, this group has had the benefit of having the space to learn about, discuss and debate CEDAW. Knowledge holder claims that other women, particularly young women, untitled and lower rank women have not had the opportunity to hear about CEDAW and have not had the space to ‘talk’ about CEDAW’s merits or lack thereof. Note however, other knowledge holders would challenge this claim stating that in fact space was provided for other women in Palau to participate in the discussions. The knowledge holder further acknowledges that this decision-making process confirms that the ‘traditional system is still at work’. She further acknowledges that as the Minister of Community and Cultural Affairs at the time, and acting in her capacity as a civil servant, she could have created those spaces for ‘other’ women to convene and discuss CEDAW. However, she chose not to. She admits that as the Mechesil Belau did not support CEDAW, it would not have been culturally appropriate to continue with the advocacy in alternative spaces.

It is instructive to note the different responses from both the Minister of State and the Minister of Community and Cultural Affairs regarding CEDAW awareness and the different approaches in ensuring the involvement of the community and specifically the different groups of women in Palau. Unlike the former MCCA Minister’s view, the Minister of State feels that in working with the Mechesil Belau, the reach of the awareness was significant. Additionally, emerging from the interviews and research, the CEDAW ratification process had taken place a number of times in Palau and over several decades. Prior to and leading up to the 2010 Conference, a significant part of the community was well aware of the Convention. Other groups of women at the time who initially supported CEDAW, would eventually change their positions

once they had a better understanding of the CEDAW. It is important to note the complexities of CEDAW – the largely technical language for example. Most importantly – the substance underlying the treaty. These elements contributed to the CEDAW debate in Palau and would explain the outcome of the campaign to ratify CEDAW.

The 2010 campaign for the ratification of CEDAW again came to a standstill with the Mechesil Belau steadfast about not ratifying the CEDAW. Once again, the momentum for ratification advocated by regional organizations and specific agencies of the Palau government at the time reached an impasse. The Mechesil Belau and the women in Palau made it clear that ratification was not forthcoming and plans for Congressional hearings would not materialize as the President of Palau at the time, Johnson Toribiong would travel to the 66th UN General Assembly gathering to deliver Palau's position on the human rights treaties.

6.3 Key Arguments for Support of CEDAW

CEDAW supporters claim that the Convention is an effective mechanism for addressing women's discrimination worldwide. They argue that Palau's ratification would lend support to other women in the world seeking to end discriminatory practices affecting their lives. Support for global sisterhood is therefore necessary. Supporters additionally claim that as a member of the United Nations 'family' Palau needs to support other UN members who have ratified or acceded to CEDAW.

Strong support is perceived to be the position of the National government. Individuals in related government positions attend meetings, both at the Pacific regional level and at the global level on topics related to women's human rights. Agencies of Government who directly deal with work related to women's human rights includes the Division of Gender within the Ministry of Community and Cultural Affairs. The Ministry of State, as the agency coordinating the

foreign affairs of the Palau is additionally involved in women's rights work. This generally involves facilitating work between local agencies and regional and international organizations related to women's human rights and therefore the Ministry's involvement with CEDAW – a UN global treaty.

The Division of Gender under the Ministry of Community and Cultural Affairs implements the different policies directly related to women's human rights and issues along with partner agencies. As such, the office is tasked in facilitating and coordinating that work locally – involving government agencies and civil society. Women's human rights work related to the emergence of CEDAW and the strategies for progress has been a mandate of the Gender Office – previously Office of Women's Affairs. Ministry of Community and Cultural Affairs continues to be the focal Ministry for this work. As previously discussed, Palau's involvement in regional and global work in women's human rights gained momentum soon after Palau's independence and coinciding with the Fourth World Conference of Women in Beijing in 1995. This would also be the early years of this work in the Pacific region, and at a time when most Pacific islands were severing ties with colonial rulers.

6.3.1 Solidarity as a UN Member Pacific Region

The advocacy for CEDAW ratification is based on sentiments related to perceived obligations as a member of the global community, specifically the United Nations. This is the position that Palau's government would support both internally and in its dealings regionally. Knowledge holder #8, who was the Minister of Community and Cultural Affairs at the time and involved in regional as well as global discussions on CEDAW ratification explains global obligations and Palau's position in the following way.

Engdi sel kuk domes ra kuk Belau ma beluulechad eng kuk ngarngii a ikel ngerchelel Belau el dirrek el kirel Belau el kudmokl. E mo teloi er a beluulechad e lochotii er a beluulechad el uase a ki dirrek el kmal loldubech a (terbengel) a mekngit lomeruul el kirir a redil er a beluulechad. Meng choi, ke domes er kid e medengei el uase a Belau a mla otobed a llach ma ngerang klel el kirel a oketmeklel a tekoi er a kleredil ma ngerang klel ma siukang er kid a oltirakl a mesisiich el redil a olab a klisiich.

But when we look at Palau and the world, Palau has a responsibility and needs to take that global responsibility. And joining the rest of the world stating that we support the elimination of unequal treatment of women globally. We know that Palau has supported this work through laws protecting women and based on our culture women have authority.

A bai di domes erngii a uase ng a di uldesuall a uase a Belau teloi era...UN. A ikeikid a kuk ngercheled er a beluulechad. El kired el kora mo smaod malechub eng diak kudengei el uase a obis er kemiu ngmla otebedii a tekingel el uase a Belau a melemolem el diak el bol kengei er tial convention e leng a ikakid a ikal ki blam ketmokl locha er a belumam. What we need to look at is the need to think about Palau's UN membership. We have obligations that need to be discussed and I am not sure if your office has communicated that Palau continues to not agree with the Convention because we have other ways that we have addressed CEDAW.

Knowledge holder #8 relates that as a member of the international community, Palau has certain obligations that it must realize. As such, Palau must join the global community, to show support of global efforts in eliminating discrimination against women. Palau is committed to addressing such issues by having introduced laws and regulations domestically to address issues

and challenges that women in Palau currently face. Additionally, it is acknowledged that women are traditionally very powerful. She questions, however, Palau's inaction and specifically questions whether the Gender office and the Ministry of Community and Cultural Affairs have taken specific actions to facilitate a response from the government of Palau to address the silence on Palau's part in supporting the global community. Likewise, knowledge holder #10 discusses Palau's global responsibility and related Pacific obligations to ratify CEDAW.

A tara mle uchul tirkel chad ra UN el based ra regional office ra Fiji a blechoel sel lemei e te kuase, bek el beluu... ra Pacific ea ikal thirteen countries a mla accede el mor tial convention except era Belau ma Nauru ma Tonga. Ngkora meknig it el kora ngdiak el terached engdi ngkora imol medechel tekoi el dirkak el rellii a Belau ea rest er a rsechelirir er a Micronesia ma Polynesia ma Melanesia a mla pass erngii.

One of the reasons is the question posed by Fiji based UN Office – thirteen countries from the Pacific have acceded to the Convention except for Palau, Nauru and Tonga. It is not good that Palau has not ratified and the rest of Palau's friends in Micronesia, Polynesia and Melanesia have passed it.

One of the ways in which support for CEDAW is encouraged is the appeal to actions taken by individual states in the Pacific region. For example, knowledge holder states that Fiji based UN representatives would remind that most countries in the Pacific have acceded to CEDAW except for Palau, Nauru and Tonga. Similar are the expressed sentiments including 'our friends in the Pacific have ratified CEDAW and therefore it is not necessarily a good reflection on Palau as a member of the Pacific community' that we have not taken the same actions. These strategies to pressure Palau to ratify are then translated into strategies on the ground and become part of the narrative encouraging Pacific states to ratify the CEDAW. These are strategies,

however that encourage conformity with the rest of the Pacific and the global community inducing guilt and lays blame without reflecting on the local circumstances, and really absent of the desire to understand the specific needs of Palau.

Questions are additionally raised in relation to the superior position of women in Palau which does not necessarily reflect Palau's reluctance to support the rest of the women in the world in ratifying the CEDAW. Knowledge holder #10 reflects on the confusion felt by regional agencies and others trying to understand Palau's position on CEDAW.

Meng rrau a rengrir el kmo ngera uchul meng diak de support era redil er a Belau. Seikid a kora mle contention er tiang e mle uchul me toldubech el kmo kemiu e diak el kiriu el kotoar re tiang leng already a llechemiu ma telelteliu a oldubech er a redil meng why don't you just accede to the convention?

They (regional agency advocates of CEDAW) do not understand why we do not support Palau's women. Advocates understood the significant role of Palau's women and so states that we should not deny ratification of CEDAW.

Statements are additionally made regarding Palau's progress in addressing Palau women's needs through relevant laws and legislations reflecting CEDAW articles however, these same practices are not acknowledged as core issues that must be addressed globally, again because of Palau's silence on the Convention. I would like to point out that regional agencies' argument regarding Palau's non – ratification and Palau women's observed status... This positioning raises questions about the integrity of regional organizations and genuine ... to understand Palau's approach to CEDAW. No one is specifically trying to understand the culture and women's position driving the decision for non-ratification.

6.3.2 Global Sisterhood

The appeal for sisterhood is additionally deployed in the Pacific setting and in Palau and is vastly pronounced in the language of CEDAW ratification in Palau. For those individuals and groups who advocated for ratification, reference to ‘our sisters’ in the Pacific and the world would inevitably surface in conversations as would in the talk story with knowledge holder #8.

...whatever report ra beluulechad ma women around the world a uase Palauan women are not supporting other women because they have it made, so because they have it made e diak el support er kid e we understand el uase a redil er Belau a diak el sorir lolengeseu ra rebebil ra redil ra beluulechad.

Global reports indicate that Palau’s women are not supporting other women because they have made it, so because they have made it and don’t support it, we understand that Palau’s women do not want to support other women elsewhere in the world.

The appeal for CEDAW ratification is offered as support for other women in the world who are fighting for their rights. Other women in the world are not necessarily privileged as Palau’s women and Palau needs to recognize this and support our global sisters in the achievement of their rights. In dismissing CEDAW, Palau is sending a message to the women of the world that we do not support their aspirations for equality. Knowledge holder #1 explains in the following way why Palau’s women need to involve themselves in women’s human rights work.

... and then of course you must get to realize this is global and everything doesn't apply to everyone, but we want to help women around the world. We're sort of the leader in many ways ...let us be the leader in this regard like we are with the environment. We

need to be champions for the women because we are in charge, we are matriarchal, but we need to help other women and women in our own society.

Advocacy considers the position of women in Palau and its relevance to the global approach to women's human rights. Knowledge holder #1 suggests that Palau can be a global leader in advancing the position of women elsewhere – as women with significant positions in their community, Palau can set an example for the rest of the world similar to its current position as a global champion for the environment. Additionally, the idea of global sisterhood requiring Palau to support sisters in the world would be brought again in conversations with knowledge holder #9.

I think one of the things that we also need el melalem erngii er a uldesued a uase, this is a sisterhood.

I think of the things that we also need to think clearly about and own is, this is a sisterhood.

Knowledge holder #9 maintains that there is a need to recognize that the issues addressed in CEDAW are global and therefore the need to support our sisters in the world. International perspective requires supporting our sisters in the world in their struggle for recognition. I argue however that “sisterhood” assumes two individuals united by the fact of gender oppression and consequently overlooking issues of difference. Sisterhood is deployed to advance women's human rights, however, there is a sense that ‘you are either with us or against us’. Additionally, the idea of ‘sisterhood’ necessarily invokes labeling such as progressive for promoting feminist ideology or subversive and wishing to remain bound by outdated notions of womanhood. Limitations and issues with ideas associated with sisterhood requires that we think about how using this language would in fact overlook the importance of culture and context in our own

place, Palau. The desire to create the ideology of sisterhood causes some to gloss over differences that are potentially oppressive and promoting a sense of superiority of Western feminist ideas over Palau's culture. This position is clearly unacceptable to the women of Palau.

6.3.3 Resources and Funding Availability in Ratifying CEDAW

Availability of resources and funding through different regional and global mechanisms are offered as incentives for ratification. Critically, this offer of financial opportunities comes with specific spending guidelines and according to donor requirements. As such, the idea that this financial largesse is easily accessed is misleading. Frequently, overseas development aid (ODA) have restrictions on spending and with complex reporting processes that can be quite burdensome for smaller countries.

As an example, a major donor for women's human rights work in the Pacific is the government of Australia – \$320 million AUD has been committed to progressing gender work in the Pacific region through the Pacific Women Shaping Pacific Development initiative¹⁵.

The Australian Government is strongly committed to being at the forefront of efforts to give women and girls the opportunities and resources to reach their full potential. The 10-year, \$320 million Pacific Women Shaping Pacific Development (Pacific Women) initiative is the flagship program in the Pacific to take this commitment forward. Approximately 30 per cent of this budget is sourced from the Pacific regional program, with Pacific bilateral programs contributing the remaining funds.

All our investments will support women to participate fully, freely and safely in political, economic and social life. Gender equality and gender-responsive reporting will be a feature of our mutual obligation arrangements with regional and multilateral

¹⁵ The website for Australian Government Department of Foreign Affairs and Trade in Canberra, Australia can be found at <https://dfat.gov.au/geo/pacific/development-assistance/Pages/gender-equality-pacific-regional.aspx>

organisations. We are working to achieve the Australian Aid Program's target of 80 percent of all investments effectively addressing gender.

Accessing this funding however requires country specific plans for the 14 Pacific Island Forum Countries including Palau. It is important to note however, that the country plans are drafted through a consultation process that is quite brief and with an external consultant commissioned by the donor country. Additionally, identified priority areas for the Pacific states must be aligned with Australia's priorities and its global commitments to the Beijing Platform for Action 1995.

The insistence on the availability or access to funding with CEDAW ratification is a point that would be raised during the dialogue with the Mechesil Belau. Knowledge holder #10 recounts the discussions during the meeting with the Mechesil Belau on the topic of funding.

Me ngkal redil ra Fiji...ngar medal a Bilung e kmal kuase tia diak bo longitechut er kemiu ngbai di melisiich er kemiu e bai mo meskemiu a resources el kirel a tekoi era kelredil el somiu el melatk.

The lady from Fiji...she's is front of Bilung and says that CEDAW will not weaken you, it will support you and will give you resources for women related programs you are interested in.

Responding to a query on the impact of CEDAW on the status of Palau's women, a Pacific regional human rights specialist would respond that ratification will not weaken the position of Palau's women, instead, ratification would make available funding towards addressing issues affecting women in Palau. Knowledge holder #3 would respond to this enticement of funding in the following way.

Kemam a protect er Belau, ngdiak el somam a udoud. A udoud a ungil engdi first a Belau ra uchei er a ki bo molai a udoud. Ngdiak ki molterau er Belau ma klisicham a redil re Belau ma siukang er Belau el di mo melai a grant.

We protect Palau, we don't want money. Funding is good but first is Palau before funding. We are not selling Palau, nor our strong position as women and Palau's culture just to be able to access funding.

Availability of funding due to ratification is a point of contention with the Mechesil Belau. For these women, the position of women in Palau and therefore culture is primary and aid becomes secondary to these important areas of concerns. Financial means through ratification as an advocacy tool was an affront to these women. "We protect Palau, we don't want money". There is no denying that funding is indeed available, however, direction of programs and projects remain within the control of the aid country.

6.3.4 Convention Reservations

Emerging from the Palau CEDAW consultations was the consistent reference to the importance of culture. A key stakeholder in the CEDAW process, Mechesil Belau, was quite clear on its opposition to CEDAW principally with Article 2 which would legislate for change customs and practices including the promotion of the "principle of equality of men and women in national constitutions" and Article 5 mandating States to modify the social and cultural patterns of conduct of men and women. To encourage ratification, reservation of articles became part of the advocacy language used by regional human rights experts as well as representatives of the Palau government. Regional human rights experts are not unfamiliar with state reservations on specific articles of the CEDAW. In fact, according to UN reporting, a number of states have

ratified CEDAW, however with reservations on specific articles¹⁶. Ratification of global instruments as such becomes a façade decoupling policy from practice. Recognizing the sensitivity regarding the topic of cultural rights, knowledge holder #10 would support Pacific regional ‘experts’ in advocating for reservations for specific articles that contradict with Palau’s culture.

Ma ki mle ouchais er tir el kmo Bilung ngsebechem el accede to it el ngarngii a reservation er kau el di ua FSM el mle pass erngii lobengkel a reservation er tir. Ngsebechem el pass erngii ea lsekum eng ngarngii a reservation er kau e kouchais a ikel reservation er kau e kouchais e kmo ngera uchul meng diak el sal melemalt er a rengir a redil er Belau.

So we informed them – Bilung, you can accede to it with reservations similar with the Federated States of Micronesia (FSM) which passed it with reservations. You can pass (CEDAW) and if you have reservations then let us know which articles for reservation and let us know the reasons from the women of Palau.

Knowledge holder #10 relates that during the CEDAW ratification discussions with the Mechesil Belau, the women were informed about the possibilities of putting certain articles on ‘reservation’ as had been a practice with other Pacific states. The Mechesil Belau and specifically Bilung were asked to elaborate on and to clarify the reasons for rejecting ratification. Proponents of CEDAW felt that the option to put on reserve specific articles of the Convention would facilitate ratification and address Palau women’s concerns related to cultural impacts. Reservations placed on Article 2 and Article 5 of the CEDAW was encouraged so that the

¹⁶ The website for United Nations in New York, New York can be found at https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&clang=_en

challenges to culture would be addressed whilst supporting other women fighting for recognition elsewhere and to fulfill Palau's global responsibility as a UN member. From the perspective of those who advocated for CEDAW, this would be a mutually beneficial solution.

6.3.5 Changing Role of Men and Women in Palau's Contemporary Society

Proponents of CEDAW argue that traditional roles of women and men are changing and because of this change, there is a need to revisit the relevance of related cultural views. Moreover, CEDAW supports women in their new role in the changing society. More specifically, the arguments related to the changing roles of women and men reflect global discussions regarding the position of women vis-a-vis men in the economy and political representation. Knowledge holder #9 talks about the merits of CEDAW in relation to women's contemporary leadership status.

CEDAW a olengeseu er kid er seikid el type of constitutional government that we have...CEDAW a rullid el mo mimokl and actually enhances a klisichir a redil er a chelsel tial constitution democratic system er kid.

CEDAW supports us in the type of constitutional government that we have...CEDAW empowers us and actually enhances the status of women in the constitution, our democratic system.

Knowledge holder argues that CEDAW has relevance in the newer system of governance and will in fact enhance women's standing within this new democratic system. The argument was made in the context of the status of women in leadership roles in Palau. It is argued that women's political participation remains low across the Pacific Islands, and therefore "ha(ving) one of the worst records in the world for the proportion of women in national legislatures" (SPC, 2010 p. 81). Regional agencies and partners additionally point out that despite the elevated status of

women in Palau, this has not translated into success in the newer leadership roles. It is critical to point out here a principal reason for women's low rate of participation in the new governance system. Colonial systems did much to ignore women's leadership position in Palau, specifically during the Japanese administration ending after WWII and the US administration which lasted until recently when Palau gained independence in 1994. Colonial systems brought with them patriarchal institutions, particularly male dominated governance systems, overriding traditional leadership structures and women's leadership status. Palau is still in the process of emerging from these systems and women are taking up contemporary leadership roles more and more as these systems are being challenged. Additionally, addressing the newer challenges emerging from these newer institutional structures is a concern of knowledge holder #2.

Our roles and our expectations have changed tremendously. But the structures el kirel support ra redil el kirir el mo equal participants in that system are not necessarily in place. We've adopted the different practices engdi ngdimlak de adopt a laws or policies for that system the changes that the woman has had to experience... her role as a professional woman in the working place and a network is actually thinning out...this is where you feel the challenges women face in participating in this economy.

Knowledge holder #2 is speaking to the changing Palau society and the subsequent changes in the roles of men and women. As a participant in this newer economic system, women are currently faced with the challenges of managing workplace responsibilities however with a dwindling network of support previously existing in the community. These same sentiments are also the concerns raised in the talk stories with knowledge holder #1.

Now to survive you have both parents working and you don't have that central figure to be the barometer to see what's happening in the home when you have a lot of single

moms and they are trying to do both roles and on top of that customs and the responsibilities of the customs and that needs to be addressed too because it's a lot of burden on young women.

Challenges that women in particular face relate to parenting and the declining extended family support network. The changing family dynamics are especially challenging to young families and to single-parent households. The knowledge holders discuss the changing roles of women and the additional responsibilities of working outside the home coupled with customary obligations that has become a “burden on young women”. It is additionally worth discussing as well, the different but similarly burdensome challenges that men are facing due to the changing economy of place as recounted by knowledge holder #1.

Sometimes I feel in our society in Palau that the boys have a much more difficult time with identity. There seems to be steppingstones for women that are rites of passage that are very clear to make them feel proud of who they are. For men, I think that sometimes the activities such as fishing or war where they would show who they were are getting switched over to law or to politics.

A sense of belonging and identity is crucial to being grounded in society. Knowledge holder claims that Palau’s changing sociopolitical space has enabled a sort of alienation of Palau’s men and a disconnect that has not been as impactful on women as it has been on men. Palau’s women retain cultural markers of woman hood and a strong sense of belonging due to the matrilineal society and their superior status. Men however have not had this same privilege.

Emerging challenges are being discussed in formal forums such as the annual Mechesil Belau Conference and informal spaces both traditional, contemporary and the spaces in between. It is important to note the role the Mechesil Belau has had in shaping policies and legislative

development in Palau. Recognizing the changing cultural landscape and related emerging issues, the women remain active in shaping policies and legislative development in Palau. For example, Mechesil Belau's focus on violence in the domestic setting has led to the adoption of the Family Protection Act (FPA) providing legal protection for women, children and family members victim of domestic violence and abuse. Palauan women and the society generally continue to be very proactive in pursuing issues and challenges impacting the community and with a particular focus on how to maintain important cultural values which inform policies and programs to address contemporary challenges.

6.4 Approach Assumptions: Overlooking Difference

In the earlier consultations with Palau regarding the ratification of CEDAW, an assumption persisted on the part of outside consultants that Palau's situation was the same as everywhere else globally. These assumptions about the position of women translated to Palau's context did little to convince the women of Palau to support ratification. This gap in understanding, even the desire to know the differently situated position of women in Palau is not unusual in the global human rights work context. Dismissal of the significance of cultural context is largely embedded in the human rights language – a position that has been rejected in Palau. Knowledge holder #3 talks about her experience with these ideas expressing her frustrations at the regional 'experts' for imposing their beliefs on Palau's women.

E sel le mei tirkal redil ra SPC e te uase, a ikakid a demand e rekemiu a redil. A redil a uase, tell your men that we have the same rights. Tell them we have the same rights e kemiu cannot tell us what to do. Ma ki uase, ngdiak leng auantai e rekemam. E sel mnguu a siukang er kemam ea rsechal a kmal ngarngii a ngerchelir el mora rsechal, ma redil a kmal ngodech el ngarngii a ngerchelir el kmal ngodech er a ngerchelir a rsechal.

And when the SPC women come they tell us what to demand as women. Women, tell your men that we have the same rights and you cannot tell us what to do. We say no because it does not fit us. And when you observe our culture, men have specific roles, women are not the same, we have different roles than men.

Knowledge holder #3 describes regional women's human rights experts from SPC and the ways in which they would encourage Palau's women to demand their rights – “tell them we have the same rights and that you men cannot tell us what to do”. In response, the women would say that this approach is contrary to local context – in the Palauan cultural context, men have specific roles and responsibilities and women have separate and different roles and responsibilities. In other words, there are clear and existing domains of men and women which give clue to the relationship between the two in safeguarding Palau's society. I would like to point out here how regional agencies in their desire to see Pacific regional ratification of CEDAW, overlook the necessity of understanding the role of culture in advancing the position of women. There is a need to reflect on claims of culture as barrier to women's human rights and to improve on the current understanding of these misconceptions of culture.

A point that emerges quite often in the conversations regarding the women's rights work in Palau relates to the inaccurate assumptions of the position of women in Palau and the role of culture that is persistent in Palau's society today. Reflecting on the advocacy work for women's equality in Palau, several of those interviewed raise the subject of culture and the omission on the part of regional human rights experts in recognizing the centrality of culture. Some interview participants speak to the assumptions that women in Palau need saving because they are not cognizant of the discrimination that they themselves are experiencing as expressed by knowledge holder #2.

Te locha mle omdasu el kmo all this is just sort of a – something that we talk about, something that we say we are but not necessarily like the 'law of the land'. I think that, ngbetok a ikal Pacific Island countries el dirrek el mesaod el kmo we are also a matriarchal society...they thought that maybe Palau is the same thing.

Perhaps they think that this is just sort of a – something we talk about, something that we say but not necessarily like the 'law of the land'. I think that, many of the Pacific Island countries talk about how we are also a matriarchal society...they thought that maybe Palau is the same thing.

“They thought that perhaps this (matrilineality) is something we talked about not realizing that this was very much still a practice the law of the land”. The knowledge holder shares the many unexpected and somewhat caustic remarks made about culture and matrilineality encountered in regional meetings. More significantly, the knowledge holder discusses an important point – the dismissal of matrilineality as it is still practiced in Palau today. It would seem that others outside of Palau are challenged with the fact that the matrilineal society remains fixed in Palau’s contemporary society and therefore remaining a significant part of the society. This thinking is very revealing in the treatment of culture as something of the past and with no significance to the contemporary space. The reality that others in the region whether Pacific state representatives or regional agency experts were quick to discount the experience of Palau’s women was discouraging according to knowledge holder #2.

Tirkel kuk bebil er a rechad er a beluulechad el kuk participate - they really do not understand what that means because they don't come from societies where it is the 'law of the land'.

Others globally who participate – they really do not understand what that means because they don't come from societies where it is the 'law of the land'.

Regional agencies including SPC and others such as the UN Pacific regional offices most often pay lip service to the significance of culture however without prioritizing the 'unpacking' of this thing called culture and the relevance it has to the region. As such, CEDAW advocacy language was largely interpreted by some segments of Palau's women as discriminatory.

It is difficult for others to relate to the experience of Palau because these other places in the world are not societies based on matrilineality. This point is significant as it describes the different basis from which Palau's women speak to the global women's rights movement. Women's rights movement emerges from a perspective different than that understood by Palau's women, that is from a patriarchal standpoint. Additionally, what begins to emerge from these 'talk story' with women and men of Palau is the reality that the global human rights work does not necessarily recognize the importance of difference.

Knowledge holder #2 acknowledges the important role of the Mechesil Belau in safeguarding Palau's culture and concedes to being appreciative that these women strongly opposed the ratification of CEDAW. "UN representatives who are pushing for such conventions, they have to make room for difference because not everyone is in the same situation".

Knowledge holder #8 recalls that some of the articles would impact the culture and traditions of Palau as such commissioned translation of the document into the Palauan vernacular hoping that it would help facilitate a better understanding of the Convention and its different requirements.

...ngarngii a ikel clause erngii el mo subechii er a tekoi er a klebelau ma klechibelau re kid. Me tial CEDAW, a kmle ask a tara staff meng mle translate erngii el mo tekoi re

Belau with hope el uase ngmo sebechel kor omes erngii el uase ngarnsii a kora mo uldesuir a re mechas el kirel.

Existing clauses would impact Palau's culture. I asked a staff to translate the CEDAW into Palauan language with the hope that when reviewing it, what would be the thinking with the elderly women on this.

An additional assumption proponents of CEDAW maintain is that the Convention needed translating into the Palauan language so that the general public and specifically the elderly Palauans would have a better understanding of it. There is absolutely no arguing this point, however, it is the idea that translation of the Convention itself would help with the understanding of CEDAW leading to eventual ratification. This assumption is misleading – the unfamiliar and conflicting ideas promoted by CEDAW required a deeper understanding beyond that of translating texts.

6.5 Palau Signs onto CEDAW but Not Ready for Ratification

Soon after the Mechesil Belau Conference and the decision to forgo the ratification of CEDAW, President Johnson Toribiong would travel to the United Nations for the 66th Session of the UN General Assembly meeting. It was during the General Assembly that he would commit Palau to being signatory to the remaining eight core human rights treaties. Signing onto the treaties including the CEDAW, would signal Palau's position and the possibility of acceding to the conventions at some time in the future.

I signed on behalf of the Republic of Palau all of the international conventions on human rights. As an ardent advocate of human rights and freedoms I signed these conventions because I believe that all human rights and freedoms are indispensable elements to true happiness.

H.E. Johnson Toribiong, President of the Republic of Palau

Signing on to the human rights treaties however has not translated into comprehensive ratification by the Oblil era Kelulau, Palau's national congress.

Despite the strong message from Mechesil Belau and Palau's women to reconsider CEDAW, President Johnson Toribiong of Palau would sign on to the CEDAW including the remaining eight core human rights treaties. Knowledge holder #10 who worked closely with President Toribiong as the Minister of State would explain President Toribiong's actions.

A Johnson er a le President eng mlora UN e accede to many conventions. Ngmle soal de pass as many as possible me tiang (CEDAW) a dirrek el mle soal pass erngii...eng ea kumdasu ea President a di mle sign el ngarngii a spirit erngii el mo accede - engdi ngarngii a process ra government me sel lemei eng kired el mo go through er a Olbiil. Me sera kmei ea kot el tekoi el dillii a Bilung a kmo kemiu ko mle accede ra CEDAW? Ngdiak e Bilung. A President a di dilung el kmo, ngsomam el mong. Ngdi doltirakl a llechul a beluu, ngkid a mora Senate e kemiu al somiu ko moldubech erngii e merekong. When Johnson was President, he went to the UN and acceded to many conventions. He wanted for us to pass as many as possible including CEDAW...and I believe the President signed on with the spirit for acceding. But there is a government process, it has to go through the Congress. When I arrived in Palau (after the UN meeting), the first thing Bilung asked is if we acceded to the CEDAW. I replied, no Bilung. The President said we are interested in acceding. But according to Palau's ratification process, we will go to the Senate and if you are interested you can support the CEDAW and that is it. Knowledge holder #10 maintains that the motivation to sign on to all human rights treaties was intended to demonstrate Palau's commitment to progressing human rights with the global

community. Moreover, to stand in solidarity with our Pacific family. The knowledge holder discusses having to answer to Bilung after traveling with the President to attend the UN General Assembly and being witness to President Toribiong's signing of the human rights treaties. He would clarify to Bilung that signing on to the human rights treaties did not mean that Palau would now have to domesticate the international human rights laws. National process of ratification still dictated that the treaty be considered in the Olbiil er a Kelulau (Palau National Congress) for majority votes and at which time, the public and Mechesil Belau would be able to have voice in whether to ratify or not.

International recognition including regional 'approval' would support the Government of Palau's decision to sign on to the human rights instruments and would temporarily place Palau in the 'good' list in the Pacific region. This was a balancing act and a unilateral act on President Toribiong's part as Palau's Chief Executive to come to some agreeable status for Palau in the international arena. This action elicited positive reactions from the Pacific region OHCHR Office's regional representative, Mitilda Bogner. In her statement, she states:

The commitment shown by these signatures is remarkable and gives a clear message that Palau has now started a journey to provide people in the country with a stronger foundation to enjoy human rights and fundamental freedoms. It also gives a clear message of political will and leadership across the Pacific and supports the spirit of the recent Pacific Island Leaders' Forum meeting in the area of human rights. I want to join others in conveying my sincere appreciation to the Government of Palau for this progress. I also want to reiterate the Regional Office's readiness to assist Palau in translating this commitment into a reality on the ground. (OHCHR, n.d.)

Noteworthy in Bogner's message – 'that Palau has now started a journey' to provide residents of Palau with a 'stronger foundation to enjoy human rights and fundamental freedoms' – is a reminder of imperialistic attitudes veiled in the language of universal human rights and the assumptions of absence of the rights of men and women in Palau.

6.6 Conclusion

Palau became enveloped in the women's human rights movement along with the Pacific region as the global movement became more pronounced in the advocacy for CEDAW ratification. The process of ratification would take decades and numerous campaigns both in Palau and with Palau's participation regionally. Leading the ratification process, Palau's government along with regional organizations and development partners would encourage ratification through various policies and programs. Arguments put forth for ratification echoed similar global narratives deployed in the Pacific and Palau. More specifically, the need for solidarity globally and regionally in support of other women in the world. Critically, however, was the implicit goal of overriding the cultural rights of Palau's women in the desire to see Palau ratify the CEDAW. References were made regarding culture and how it remains a barrier to women's advancement and therefore could not be addressed in the context of CEDAW. The commonly held critical view of 'culture' locates women outside the sphere of power and undermines the integrity of Palau's culture which offers alternative protection for women and confirms women's agency. Additionally, the presumption of solidarity must be recognized in the conflict it blinds us to in accepting ideologies that may in fact be harmful to societies that have figured out a better way to deal with women's human rights.

CHAPTER 7: WOMEN'S RIGHTS DISCOURSE AND MATRILINEALITY

This chapter details the principles of Palau's matrilineal culture central to the argument that CEDAW is not compatible with Palau's cultural lifeways. Critics argue that Palau ratification could undermine Palau's sovereignty and impact the culture of Palau. Emerging from the individual interviews and observations on the topic of women's human rights and CEDAW, is considerable opposition to the ideas advocated in CEDAW. Specifically, to the idea of equality and to the perceived role that CEDAW will have in altering the culturally defined role of women and men in complementary interdependence. They argue that the divisive language of the Convention is charged as being very one sided and discusses women's issues and progression of rights absent of men. Women opponents question whether progress can be made as a society without the inclusion of the other half of the population.

The chapter highlights the different groups of women individually opposing CEDAW. Opposition stems from the observed cultural impact negating Palau's matrilineal culture writ large. CEDAW is interpreted to represent a different perspective from the standpoint of Palau's matrilineal culture which provides women significant standing in the society. Palau's women recognize the importance of the human rights of women, particularly for other women of the world. CEDAW opponents, however, maintain that the treaty is not an effective mechanism for addressing discrimination against women internationally, emphasizing that countries widely believed to have poor women's rights records have ratified the Convention.

7.1 Mechesil Belau

Knowledge holder #4 explains the position of the Mechesil Belau made clear during an annual conference held by the organization and to their continued opposition to ratification.

Mechesil Belau a uchul me ke dirke signatory rengii e dirkak de ratify rengii a ual dilul uase a remechas er Belau a medengellii tiang e ulumtok rengii. Leng sel mle tekingir el kirengesii e oak seikid el conference a kmul uase te mlo melechesuar el kmo CEDAW a uaia kuk kora remechas er kid a rechad er Belau a remechas er Belau a omdasu el kmo tiaikid a diak lungil leng uai ial bol temellii a siukang er kid.

Mechesil Belau is the reason why we are still signatory to CEDAW and that we have not ratified it essentially stating that Palau's women understood CEDAW and were against it. Because what I heard them say at the Conference is that they realized that CEDAW is not good because it will corrupt our culture.

Mechesil Belau has been very visible in its opposition to the ratification of CEDAW and has been part of the discussions concerning women's human rights with direct involvement beginning with the Fourth World Women's Conference in Beijing in 1995. The Mechesil Belau is an organization of traditional women leaders first formed in the early 1990s in anticipation of the Fourth World Women's Conference. In the lead up to the Conference, the newly formed organization was invited to be a part of Palau's national delegation to Beijing representing women's groups in Palau. Mechesil Belau has a wide membership inclusive of all women in Palau, however direction is given by senior women title holders and members of high-ranking clans of all the traditional villages in Palau. The group functions similarly to traditionally organized women's groups (cheldebechel) and reflects very much the practices and processes of the cheldebechel. The Mechesil Belau is led by two women title holders from the two paramount clans of Palau – Bilung from Koror and Ebil Reklai from Melekeok and therefore the heads of bital yanged ma bital yanged – the two sides of heaven. The two paramount women chiefs lead

the Mechesil Belau with the first ranked female titleholders from each of the remaining fourteen villages (states) in Palau.

The Mechesil Belau claim that the problematic areas of the CEDAW include Article 2, Article 3 and Article 5, more specifically Article 2 and Article 5. The focus of criticism however remains on Article 5 and its provisions requiring ratifying States to:

...take all appropriate measures: (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women (OHCHR, n.d.).

Consistent with the provisions of Article 5 to limit cultural practices, Article 2 and Article 3 similarly express the requirement of ratifying States to address social and cultural practices that discriminate against women. Problematic of Article 2 relates to legislating for change customs and practices including the promotion of the “principle of equality of men and women in national constitutions”. Article 3 expresses that State Parties shall take in all fields...cultural fields, all appropriate measures, including legislation to...advance women and guarantee them...fundamental freedoms on the basis of equality with men (OHCHR, n.d.). As will be explored later in this chapter, the notion of equality is not understood to be an appropriate way to define the relationship between women and men in the Palau context.

The Mechesil Belau and other opponents of CEDAW point out the significant gap in the understanding of culture in this women’s human rights instrument. It is claimed that this gap stems from an ignorance of the relevance of culture for many of the world’s women and specifically the importance of culture as a signifier of community wealth and social capital. Specific to Palau, opponents argue that culture remains an important part of a Palauan’s life and

the overlooking of that role remains contentious in the ratification process. It is argued that ignorance of culture leads to unintended policy and program outcomes exacerbating the position of women and men in Palau. For those who are supporting CEDAW – “it is dangerous because they do not have a deep understanding of culture to really understand how CEDAW will adversely impact culture. It is necessary to understand culture in order to see clearly the impacts of CEDAW” (knowledge holder #3).

7.1.1 The Mechesil Belau Annual Conference Platform

The Mechesil Belau remains committed to the community and to raising awareness on issues directly affecting not only the women of Palau, as well the community collectively. One of the ways in which the group fulfills this role is in organizing the Mechesil Belau conference held annually since 1993. The Conference generally takes place over three days convening a meeting with men and women traditional leaders, women traditional organizations, government leadership and related agencies, students as well as non-governmental organizations and the private industry. Comprehensive in its reach, the Conference is necessarily well attended with local participants and more recently with guests ranging from foreign diplomats to outside experts in specific fields of studies. The Conference continues to serve as a platform for policy development and provides an opportunity for the community, particularly the women to create awareness on specifically defined issues including dialogue between participants and the different agencies presenting on topics related to the annual theme of the Conference. The Conference additionally provides the space for cultural awareness through related traditional protocol practices, performing and visual arts including the display of women’s traditional pieces. The Conference remains the platform for dialoguing and addressing emerging issues on conflicts between cultural traditions and the more contemporary practices.

Criticism of the CEDAW process nonetheless would emerge. Knowledge holder #8 would question the preparation process for the Convention including issues of representation and voice.

Ngdirkak el sal morngii a techellel el filter down... so I'm not sure el tirkel meral mechas ra ikal bek el beluu el tir a uchul ma ikal beluu a ou teliil ma beluu a ngarngii, a tirkaikid el mechas el diak el mechas er a re keblirir. Te ngara part er tial social structure ra kot el mo ongeteruich. Te part erngii. Engdi when you talk about the education component el to the grass root level, eng dirkak el sal kmal, ngdirkak el leborngii seikid el kmal choderderii el mo bleketakl. Ngua di dengar tia rebab e metenget. Kerdi ngar tia rebab e metenget meng uaia lak a techelled el filter down.

CEDAW has not filtered down...so I'm not sure that the other women representing their places and their clans...they are part of the traditional hierarchical structure. However, when you talk about the educational component at the grassroots level, there has not been a clear understanding. All the discussions remain high level with no opportunity to filter down.

Knowledge holder #8 claims that awareness of CEDAW has not been widely discussed and has not reached the 'grassroots' level. Moreover, Mechesil Belau is charged with unilaterally deciding against ratifying the Convention in the absence of a wider community consultation process. Responding to the criticism, community awareness of CEDAW reached a peak when it became the topic of the Mechesil Belau's annual conference including discussions of women's human rights. Noting that representatives of Pacific regional office on human rights and related offices routinely held CEDAW ratification workshops and meetings in Palau since the early 1990s, the topic was not unfamiliar to Palau's community. For the Convention to be the focus of

a Mechesil Belau conference meant that community perspective and consensus was very much sought and that the Conference would provide a platform for community wide discussions.

It is useful then to understand the awareness building and decision-making process practiced by the Mechesil Belau. The group generally meets and holds other engagements throughout the year and will typically discuss emerging issues and in the process begin identifying those needing to be discussed further and progressed. Preparations for the annual conference usually begin with a series of meetings held among the traditional women leaders several months prior to the Conference. These meetings take place on a weekly basis to prioritize issues and identify key thematic areas for dialogue. Key to these preconference discussions is the consensus driven agenda making process reflective of the Palauan cultural principle, omengull (respect). Decision making based on consensus is an important process for clarifying issues and in identifying the subsequent course of action for progression. Fundamental to this process is that once consensus is made, all who participate in the process will fully support the final decision. Consensus is key to the Mechesil Belau's decision-making process as evidenced in their position regarding the ratification of CEDAW.

What is significant to point out concerning the CEDAW ratification process in Palau is that it remains largely driven by Palau's community rather than strictly through State processes. Instead of a top-down ratification process, the community, through the Mechesil Belau and other women's groups addressed the ratification and insisted on a process driven by the community and responding to cultural context. This is the role that Mechesil Belau engages in, in Palau's community, serving to balance the newer governance system and the need for inclusivity and voice.

The Mechesil Belau has been central in lobbying for legislative and policy reforms particularly reforms addressing issues impacting Palau's people. Passage of key legislations have included pieces significant to issues facing all women and girls in Palau. Knowledge holder #3 discusses one of the ways in which issues impacting women and girls was addressed.

Table 3: List of Legislations Proposed by the Mechesil Belau and Passed by the OEK

<i>Legislation</i>	<i>Content</i>
RPPL 5-3	Increased penalties for controlled substance
RPPL 5-20	PNC to Prohibit Prostitution
RPPL 6-49	Amend the Anti Prostitution Act increase Penalties
RPPL 7-49	Require Cabarets and Clubs to Close by 2:00am
RPPL 7-55	Eliminate spouse exemptions related to child sexual abuse
RPPL 8-32	Penalty for Failing to Report on Child Abuse
RPPL 8-51	Palau Family Protection Act

Source: Author

Sei ia uchul meng mlo sebecham kemam me tir el mo dmak e uase le ngerang ra chelsel a CEDAW a lesang el dibus ra llecherir a redil re Belau e derellii de du ra Olbiil er a Kelulau mel rellii – chosisebii ra llechul a beluu er Belau. Seikid ea result tiaikid el Family Protection Act - te dilung el uase tiaikid a chomleiiang eng mo klisichel a CEDAW el mo protect ra redil ma rengalek from abuse and similar issues.

We came together in discussions to look closely at CEDAW and for the regional team to identify specific gaps in laws protecting women which we would propose for the Olbiil er a Kelulau (Palau National Congress) to progress. The Family Protection Act (FPA) is the result of those discussions. The regional team assured the Mechesil Belau that if passed into legislation, the FPA would address the requirements of CEDAW specifically to the protection of women and children and similar issues.

Throughout the Palau CEDAW ratification process spanning nearly a decade, regional experts would aggressively advocate for ratification. The Mechesil Belau however continued to reject ratification and instead held alternative discussions concerning gaps in the national legislative framework at the time related to the protection of women and girls. The Family Protection Act (FPA) addresses the global initiative addressing gender-based violence – at the time advocated by women’s human rights groups globally and specifically the UN. The Palau FPA addresses domestic violence beyond gender-based violence and therefore is inclusive of all members of the household – men, women, youth, children, the elderly and persons with disability.

The Mechesil Belau and Palau’s women are aware of the newer and emerging challenges and the negative impacts on the community. The important point to make here is the critical role of the Mechesil Belau in facilitating discussions leading to outcomes reflected in legislations and regulations addressing the needs of Palau’s people. The Mechesil Belau additionally plays a significant role in advocating for as well as implementing culturally specific remedies and interventions to redress contemporary issues beyond the law. For example, the cultural practice of levying a fine involving payment in the form of the Palauan bead money and formal apology continues to be practiced and sanctioned by the Mechesil Belau. Palau’s women and men with the Mechesil Belau, are cognizant of the centrality of culture and therefore continue to make certain that it remains embedded in national processes and perspectives.

7.2 Other Perspectives of CEDAW in Palau

Earlier in the CEDAW process, a group of women organized outside of the Mechesil Belau came together with the intention of supporting the ratification of CEDAW. Initially, their support of CEDAW was based on their earlier understanding of Article 5 of the convention

requiring ratifying states to change traditional practices that discriminate against women. The group of women understood at the time that the article would address traditional hierarchical discrimination. As such, for these women of traditionally lower rank, this perceived discrimination gave impetus for CEDAW ratification. For these women,

...the biggest discrimination they felt was not coming from men but was coming from women. The high clan women. They were proponents because they felt other women were oppressing them (knowledge holder #7).

This group of women would subsequently change their position regarding CEDAW ratification. In learning more about CEDAW and specifically Article 5, the women recognized that Article 5 would not address their concerns related to hierarchy, however the article focused on traditional practices relating to the treatment of women and women's human rights.

...the women...said...this is disempowering for a society where ngkal ourrot¹⁷ is already the matriarch...why would they disempower themselves (knowledge holder #7).

These women would come to understand that ratifying the CEDAW would mean that Palau's matrilineal culture could potentially be dominated by feminist discourse. This was understood to be the narrative on the subordinate position of women to men and the rejection of patriarchal institutions and practices. For this group of women, feminist discourse labeled Palau's culture within this global narrative and therefore overlooking Palau's matrilineal culture. This would be disempowering for the women of Palau. It would additionally mean an erasure of Palau's culture which is the basis for a Palauan's identity and sense of belonging.

¹⁷ Women who hold a higher status among women in the same clan due to being the eldest, and with significant contributions to the clan.

The substantive discussions concerning the ratification of CEDAW was largely absent of men's involvement. A small number of men who were involved in the discussions, did so due to their role in the government.

Meng sera ki bo mosaod er a CEDAW, ngellechukl el uase elimination of all kinds of discrimination el kirir a redil. Tirkal rubak er Belau a kmal mui el respect er a redil e le te medengei a klisichir, te medengei a ikel kmal urerir ra blirir ma belurir. Ngdiak el bo losaod a ikei le rubak a diak losaod a urerir a redil...chetirir el me soiseb el me mesaod erngii leng diak el kerengsir. Ngdiak el kerengsir a rubak el mesaod er a re mechas. A rsechal a kmal di oieng ea lsekum eng sorir loldubech erngii ea ki otbechii engdi ngdiak ki bo mosaod erngii. Ngdiak el sebecherir e diak el kirir.

When we started the CEDAW discussions, it was clearly written that it was about elimination of all kinds of discrimination against women. Palauan men respect women – they are aware of women's position, their roles in their clan and village. Men do not discuss issues concerning women's position and roles. They do not want to discuss these things because they are not within the domain of men. It is not within the domain of men to discuss women's issues. Men will support women if they want to ratify the CEDAW, but we won't discuss it. They cannot discuss it and they should not discuss it.

Knowledge holder # 10 expresses the sentiment generally felt by Palauan men regarding the CEDAW. Generally, men and women come together to discuss issues concerning clans, family and the community. There are specific issues however that remain in the domain of women and men requiring either men or women to lead in the related discussions. In the case of CEDAW, men felt that the issues needing discussion directly affected women – particularly women's roles,

their position in the community related to culture. Palau's men therefore felt that the women needed to lead the discussions as well as decide on whether or not to ratify the CEDAW.

Alternatives to CEDAW and the women's human rights language is suggested by knowledge holder #4.

Ngbetok a tekoi el doruul el diak dil chelchang el rael doeak ngii e kede ngosuir a rechad. Ngdiak dil CEDAW. A CEDAW a di tara ikeikid el betok el rael. Engdi ke domes erngii a uchul meng diak el soad el tara ikel rael el bo doeak ngii a ngarngii a ngara chelsel tiaikid el domes erngii el ngii a mo diak lungil ra klengar rekid ma siukang er kid a rechad er Belau. Meng diak dolai rengii. Ngbetok a rael el sebeched el melilt engii a kuk tara rael el sebeched loeak ngii engdi ngii a diak lungil me kede nguu el mo mechirei.

There are many issues that we are trying to address and not necessarily one way of helping people. CEDAW is not the answer. CEDAW is one the many ways. The reason why we do not want to ratify CEDAW is that there exist ideas promoted in CEDAW which are not beneficial for our current reality and our Palauan culture. So, we don't accept it. There are many ways to choose from and CEDAW is one of the ways, however it is not acceptable for Palau, so we put it aside.

Other opponents of ratification are clearly advocating for alternatives to CEDAW with its perceived impact on Palau's culture. Thus, the statement that there are other ways of protecting women's human rights but not at the expense of destroying Palau's culture.

7.3 Uldelid el Teleteled ra Irechar: Centrality of Culture

Emerging from the discussions with the knowledge holders and the findings of this dissertation is the centrality of culture for Palau's people. The certainty of identity tied to place and cultural lifeways remains a significant part of Palau's society. And although there remain

opposing ideas vis-à-vis the ratification of CEDAW, what endures in the conversations surrounding CEDAW is the importance of culture and the significant ways in which both opponents and proponents of CEDAW refer to underlying cultural values that continue to provide direction for Palau's people. What is additionally made clear from the interviews and observations is the real concern that Palauans have regarding the impetus for the women's human rights movement to change cultural practices without respect for difference.

The text of CEDAW is very clear on the role of culture as a barrier in the promotion of the human rights of women, explicitly demanding for cultural change. Article 5 on the Sex Roles Stereotyping and Prejudice calls on states parties to take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women¹⁸.

Opponents of CEDAW in Palau understand the Convention to be subordinate to Palau's culture in protecting the rights of women. For this reason, opponents point out that ratification of CEDAW is not possible due largely to Article 5 of the Convention and the strong statement that it makes regarding the modification of cultural values and practices. Knowledge holder #4 expresses the same sentiments as the women of Palau, supporting the Mechesil Belau's decision for non-ratification.

Meng dirrek el sera kbo kudengeli tial CEDAW eak dirrek el di mlo uai tirkal mechas el dirrek el melekoi el kuase ngdiak lungil dolai rengii leng diak el soad el nguu a tekoi el

¹⁸ The website for UN Women in New York, New York can be found at <https://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article5>

mei el ngii a mo omtok a siukang er kid. Ngii el siukang er kid ngii a uldelid el teleteled er a rechudel mer chelchal taem.

When I became more familiar with the CEDAW, I agreed with the women elderly (Mechesil Belau) not to accept CEDAW as it will not be in agreement with our culture.

We have inherited our cultural values and way of life through many generations.

The Mechesil Belau including other women in Palau are very clear on their position in not accepting CEDAW. After several attempts at ratification and over a period of nearly fifteen years, the Mechesil Belau and supporters point out the lack of acknowledgement of culture in the Convention. Rather than recognizing the importance of culture, CEDAW as interpreted would do away with cultural and traditional values and practices. As such it is argued that the 'culture' that CEDAW is promoting is an imposition of external ideas which would largely negate Palau's cultural values and traditions. An additional concern relates to issues of sovereignty and therefore the choice to decide whether or not to ratify without external pressure from UN agencies supporting regional organizations. Most importantly, it would not be acceptable to ratify the Convention that would largely negate Palau's cultural values and traditions, sentiments expressed as well from knowledge holder #4.

Ngdiak lomekerreu, tial CEDAW a discriminate a kuk siukang er ngak el chad er Belau.

That's what this CEDAW is. Ngkmu rengak el kuase tial siukang er kau a mnguu el mo mechiriei leng diak a belkul e tiakid a omnguu lekong e oltirakl erngii le tiakid a klou a ultutelel. El klokliir a rechad el diak kudengei el kmu te chad era kmu ngker el sorir el melemall a siukang er kid e rechad er Belau.

It does not recognize, this CEDAW discriminates my Palauan culture. That's what this CEDAW is. It tells me to put aside my culture because it is of no significance and this

(CEDAW) you take and practice because it is more important. CEDAW belongs to others who are intent on destroying our Palauan culture.

Knowledge holder maintains that CEDAW discriminates against Palau's culture. "It essentially forces me to put aside my culture and to adopt CEDAW due to its perceived significance". There is an underlying belief that other ideas and practices would remain secondary to Palau's culture. The knowledge holder reflects on the emergence of CEDAW stating that CEDAW 'belongs' to others who are intent on destroying Palau's culture and traditions. This general statement would emerge continuously throughout the interviews and observations. It was very clear from both proponents and opponents of CEDAW that the Convention is 'someone else's idea' that is being 'brought into' Palau. Understanding the position of the Mechesil Belau and the arguments for non-ratification makes sense to Palauans.

As has been established in earlier chapters, CEDAW, including current women's human rights work treat culture as an obstacle to the achievement of women's human rights. This representation of culture is currently embedded in the many documents guiding related work in the Pacific. The large corpus of human rights documents generated from the women's human rights conferences and meetings underscore the status of culture as a barrier to progress. Okin reveals that "One of the most significant innovations of the Program for Action that emanated from the Beijing Conference was its unprecedentedly strong rejection of "cultural" justifications for violating women's human rights" (Okin, 1998, p. 45). This dismissal of culture expressed in the Beijing Platform for Action (BPfA) was a deliberate omission on the part of the women's rights movement in recognizing the needs of specific groups such as indigenous women, including Pacific women. As previously discussed, Pacific women came together to create the Pacific Platform for Action, reflecting the needs of Pacific communities at the time. Central to

Pacific concerns on issues relating to the BPfA and the position of women were the role of customs and tradition, the primacy of the family, and the strong affinity of the Pacific people with the land and a reassertion of the 'Pacific' identity (Sixth Regional Conference of Pacific Women Report, 1994). These aspirations were dismissed in the Pacific Asia discussions prior the Fourth World Women's Conference in Beijing in 1995. In Beijing, these same aspirations were overlooked amid the strong direction in which the Beijing Conference addressed culture's role in keeping women back from progressing their rights. While Okin claims that thousands of Third World feminist activists voiced out the need to be rid of these cultural excuses (Okin, 1998, p. 46), dissenting voices from Indigenous women including Pacific women were clearly not heard when advocating for the significance of culture and the ways in which culture can empower women.

The literature concerning women is likely to associate culture with outdated traditions and practices. Limited notions that are shaped by imperial understandings of culture defined as backward and in contrast with modernity and civilization. Residues of this understanding of culture remain embedded in the women's human rights language and is reflective of the reinterpretations of the colonial language perpetuating patriarchal attitudes. For example, the small number of Palau's women in political leadership has been scrutinized by regional organizations pointing out that Palau's women are underrepresented in leadership and decision-making process despite claims of matrilineality and the importance of women. This view is based on the colonial history and of colonial patriarchal attitudes about women in leadership positions that has translated into Palau women's narrower participation in the newer governance structure. Although a small number of Palau's women participate in contemporary political leadership positions, the fact that they are overcoming the influence of patriarchal systems of

governance which created their invisibility is a significant achievement. Culturally, Palau women hold leadership positions and are counterparts of male chiefs. This position has translated into lasting and meaningful participation in Palau's contemporary governance system.

Questions are raised as to whether this is the right model for progressing women's human rights. There are additionally charges of a homogenizing agenda from the part of those advocating for women's human rights.

CEDAW in itself is actually a kind of discrimination against this model (matrilineality).

Is it really the right thing to perpetuate across the world? I mean, does the world have to be uniform? Is this really the right model for a small society? No of course not. But it was imposed. So this imposition, it is a discrimination itself. We need to go back to the very argument CEDAW is making...because everybody said it's a good idea but is it really good? And should we take it on the basis of that... because in itself it is... discrimination (knowledge holder #7).

There remains an overall sentiment that CEDAW is an imposition on the people of Palau. The contention is that international conventions such as CEDAW are largely driven by a hierarchical global agenda that is largely uninterested in the voices of indigenous communities. For those who oppose the ratification of CEDAW, there is a sense that CEDAW discriminates against the women of Palau and its matrilineal culture. Questions remain as to whether the international community and specifically those who are behind the women's human rights work want to acknowledge the different context concerning the status of women in Palau. Specific to Palau, those in the community are asking whether or not the cultural rights of Palauans are being recognized in the process of ratification of CEDAW.

Opponents of CEDAW argue that the promoters of CEDAW and the rights of women have not taken the time to understand the culture of Palau and therefore to gain some perspective on how culture can facilitate women's rights. Opponents further argue that this limited understanding of the value of culture can in fact make worse the situation of women and men in Palau. "For those who are supporting CEDAW – it is dangerous because they do not have a deep understanding of culture to really understand how CEDAW will adversely impact completely Palau's society. It is necessary to understand culture in order to see clearly the implications of ratification" (knowledge holder #3).

Opponents additionally discuss the ambivalence of Palau's civil servants working for government and having to facilitate the discussion on the possible ratification of the instrument. Knowledge holder #3 expands on this perceived position of government workers, specifically the younger people.

Tirkel ngalek ra government...a ululdubech e rengii leng diak el ngerang. Ngdimlak lodengalii el uase ngkmal ngerang a ngara chelsel tial CEDAW...ngdiak le understand ra klisichir a redil re Belau ra siukang. Ngdimlak lodengalii - ngdimlak a deep el knowledge er tir rengii e diak a deep el knowledge er tir er a siukang er tir a uchul me te uase dobechii.

Young people working for the government were proponents of ratification. The reason why is that they did not understand CEDAW ... they don't understand their strong position as a Palauan woman. They didn't know – they did not have a deep knowledge of this, and they did not have a deep knowledge of their culture and that's why they are saying let's pass it.

It has been pointed out that due to the insistence of regional UN agencies for CEDAW ratification, the Palau National Government's Ministry of State (MoS) and the Ministry of Community and Cultural Affairs (MCCA) have had to take significant roles in the advocacy for ratification. As such, both Ministries have been a consistent face of the campaign for CEDAW ratification thus having implications for civil servants involved in the advocacy process.

Opponents claim that there is a sense that some of the civil servants involved in the campaigns feel obligated to support ratification due to their employment status with the Ministries. This statement was confirmed by some of the Ministry employees who later would change their position in opposition of CEDAW. Opponents additionally charge that there remains limited understanding of the link between CEDAW and culture – that limitation of CEDAW is a reflection of the limited understanding of the cultural position of Palau's women. Regional organizations facilitating the ratification of CEDAW are charged with imposing a Convention that may not necessarily help the women of Palau. Additionally, arguments are raised that regional organizations have not taken seriously the context of the Pacific and to work with Pacific peoples concerning the promotion of the rights of women.

7.3.1 The Matrilineal Difference

Opponents of ratification are concerned with the present cultural representations of Palau indicated by the overt dismissal of matrilineality. This regional approach to women's human rights work in the Pacific continue to recycle flawed representations of the Pacific generally and Palau specifically. Scholars working in the Pacific continue to focus on the culture of male dominance, most often referring to the experience of the Solomon Islands, Papua New Guinea and Vanuatu. Positive aspects of culture are swept aside and instead focus remains on externally defined cultural barriers to women's human rights.

Myths and legends that are historical markers of Palau's society make clear the emergence of a strong matrilineal society. These are normally understood by Palauans to represent important elements of the culture and society as expressed by knowledge holder #4.

Leng kid a di kid el medengelii tial kuk history er kid a rechad er Belau. A uchelel Belau a di kot luchul e kede medengei el uase a uchul meng mlorngii Belau a which ea rechad er Belau a diak loumerang el kmo Belau a mlukdubech le a ikaikid el kuk teleteled a rechad er Belau engdi a redil ulemechell el mechiltiterir a rengelekel Ngeaur. A redil a mle uchelel a klengar er seikid e mirrael el mel mel mei er a temel a ielb meng mlo diak a bleuulechad meng milteruud a rokui el tekoi eng Milad el redil el mlo omechel.

We ourselves know our own history. The origin of Palau, in the beginning we know that the reason why Palau exists today, and we believe this to be our truth is that woman gave birth to Palau. Woman was the progenitor of life, then the flood came and the world was no more, everything was destroyed. Then the woman Milad gave birth.

Knowledge holder #4 raises the significance of the origin myth of Palau and the subsequent matrilineal society. "We know very well our own history, we Palauans. The origin of Palau and we know this and believe this to be the truth, is a woman gave birth to people who migrated from the seas to land in Angaur. Woman began life. Later during the great flood, Palau was destroyed. Milad's life was spared by the gods and she gave birth to the people of Palau".

CEDAW's patriarchal standpoint differs greatly from that of Palau's matrilineal society. Primarily for in arguing for the human rights of women, there is a recognition that women occupy a place subordinate to that of men. This is a perspective that the Mechesil Belau and Palauans do not agree with. This subordinate position that is stated in the CEDAW does not agree with Palau's standpoint where women's position is concerned. From a patriarchal

standpoint, there continues to exist a culture of male dominance over women in the domestic sphere and in society in general. Patriarchy implies that men hold power in all important institutions of society and that women are deprived of access to such power (Lerner, 1986).

Palau's matrilineal society differs in that women speak from a place of power.

Because of this (matrilinity), I think we reacted to CEDAW very differently...and that's why I think women took it in that sense and said look this is more disempowering for a society where ngkal ourrot is already the matriarch. (Knowledge holder #7).

Knowledge holder #7's claims of imposition of ideologies very different than those practiced and upheld in Palau, resonates with many Palauans, both men and women. The knowledge holder relates his experience in discussions with some of Palau's women and specifically with those women who initially were supporters of ratification and would later change their position. Knowledge holder points out that the reaction from some of the women supporters of CEDAW took a turn when the realization that the status of Palau's women could be negatively impacted by CEDAW. The knowledge holder speaks to the 'ourrot' status of Palau's women in explaining the position of Palau's women and the cultural basis for the powerful position that women occupy in the society. Ourrot refers to senior women members of a clan with associated higher status and decision-making authority. Not all women can claim to be an ourrot, however the clearly powerful status that this title impresses, represents the position of Palau's women in the society as a whole. Knowledge holder #3 explains the role of women in Palau this way.

Ma (rechad) a di mechell a ngarngii a urebetellir ra delengcheklir. Ngdi kekerel ngalek e ngarngii a klisichel. Ma ngalek el tolechoi a dirrek el di mechell e ngarngii a urebetellel el redil er a delengcheklel. Sel lora el mei el me klou eng mora deruchellel ra kleblillel

a telungalek erngii. Ngarnгии a ikel klisichel a redil e lolab e lorrurt er tial klebkellel a blil - tial iltetel. A rechad er Belau a di ngarnгии a iltetir era delengcheklir.

Individuals are born into a position within their families. Even as a child, one has a strong position. With age, a person comes into positions within one's clan. Women are in positions to oversee clan matters. All Palauans have standing and a strong position within their clan.

A Palauan is born into an existing social structure with rights and responsibilities.

Knowledge holder explains that at birth, a Palauan woman has a defined position in the family and clan. A Palauan woman will inherit more responsibilities and will have a more defined position in the clan as she ages. She will have status and primary role in the maintenance of her clan and lineage – this is her inheritance and her wealth.

It is worth exploring the source of this claim to status for Palau's women. A Palauan's primary identity is determined by an individual's link to his or her matrilineage – this matrilineal descent determines one's position in a clan. Matrilineal descendants who are "ochell" (children of women) have primary claim over clan resources whereas "ulechell" (children of men) hold conditional membership as long as they provide service to the matrilineage (Reed Smith, p. 3, 1983). I would like to bring attention to this relationship between children of women and children of men in Palau's matrilineal society and how it translates to status in the society. Children of women are accorded superior status in a clan and will hold primary decision-making in all matters relating to the clan. For example, land rights are based on lineage traced through the mother or the father with principal rights remaining with the children of the woman, ochell. In Palau, the claim to position is inherited from the mother's line and therefore different than that of patriarchal societies whereby position is inherited from the father's line.

To illustrate further the position of Palauan women, matrilineal rights is primary to claims of governance specifically to leadership decisions. Knowledge holder #4 expresses this in the following way.

Belau a matrilineal society el e kid a oak seikid e tirkaikid a redil a ngarngii a klisichir el tutkii a mo rubak e dirrek el ngarngii a klisichir loisur a rubak. Ngubetii era deruchall. Sei ia klisichir a redil.

Palau is a matrilineal society and we recognize women's power to install a male chief and at the same time strip the chief of title and power.

A Palauan woman who is an ourrot of her clan along with other senior women members of the clan select and appoint title holders in the clan, both men and women. The title holders make decisions regarding clan matters as well as matters impacting the village. Knowledge holder #4 states that Palau is a matrilineal society as such, women have the authority to choose male chiefs and the authority to take away the title as well. A significant point to make regarding the appointment of title holders relates to how title holders are installed. Women title holders inherit directly their chiefly titles with agreement from senior women members of the clan whereas men title holders are chosen based on clan defined leadership criteria. Women remain holders of title until death while male title holders can be stripped of their title if they do not preform to the expectations of the senior women members of the clan. Palauan women have existing powers, rights and status as expressed by knowledge holder #3.

Meng di rruul a klisichir a redil re belau meng diak ki mousbech a klisichir a tara beluu el me mengedereder er kemam. E sel le mei eng mai a klisicham - sel klisichel sel lechull a CEDAW a mei el soiseb er Belau el auanai er kemam el redil re Belau.

Women of Palau have existing powers, so we don't need other countries to tell us what to do. And CEDAW will take away our power, CEDAW is not compatible with us women of Palau.

Palau's women do not need to be saved from the misplaced ideals of externally motivated Conventions such as CEDAW. Additionally, knowledge holder #3 claims that CEDAW will negatively impact Palau women's status and the currently superior position of women in Palau and therefore is not compatible with Palau's culture. Accepting CEDAW and therefore acknowledging its patriarchal foundations would mean a dismissal of critical cultural values based on Palau's matrilineal understanding of the world.

I argue that there exists a devaluation of matrilineal cultures and an insistence from Pacific regional organizations and bi-lateral partners of the irrelevance of culture in addressing the subordinate status of women. Others in the region claim that women in Palau are no longer protected by traditional and cultural practices and questions are raised regarding the traditional position of women and the absence of women in decision making roles. There is a clear erasure of matrilineal cultures and a reference to archaic 'traditions' in the Pacific and Palau context. What is important to note are the enduring destructive external claims of culture without inquiry to alternative claims emerging from the Pacific and Palau. Specifically, inquiry into alternative cultural practices that not only protect women but place significance on the status women both traditionally and in the contemporary society.

7.3.2 Tabesul: the Significance of Balance and the Notion of Equality

As a global instrument for the empowerment of the world's women, CEDAW has been shaped by earlier international agreements, treaties and instruments. Article 3 of the Convention: State Parties shall take in all fields, in particular in the political, social, economic and cultural

fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men¹⁹.

At issue, in particular, within Palau's society is the idea of equality. Knowledge holders claim that equality remains a uniquely western concept. Discussions in Palau therefore remain focused on the balanced relationship between women and men and the distinct and supportive roles that each play in the maintenance of clan, culture and society. This understanding recognizes that cultures differ from one another vis a vis western culture, and although roles of women and men are distinct, both enjoy privileges in power well balanced and each is valued for their important roles occupying important spaces in Palau's society. Knowledge holder #10 expresses his reservations about the concept of equality and the related ideas in the Palau context.

A uchul mak mo mengeroid er ngak ra equal, ngsaok a value - leng a redil re Belau ma sechal re Belau a didiul di ngarngii a value er tir. E kakerous a value er tir - ngdiak el equal a value er tir. A rechad er Belau a kot el mengull era redil.

The reason why I am avoiding the topic of equality is that I prefer the concept of 'value' – primarily because a Palau woman and a Palau man both have and are valued. They are differently valued however – their values are not equal. Palau people have the utmost respect for women.

Knowledge holder #10 further talks about the challenging concept of equality and how it differs from Palau's context.

¹⁹ For information on UN Treaty articles, refer to UN Treaty Collection at <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>

Ma value ra rechad er Belau a diak le equal. A value re kau a depend er a omilechell erngii ma effort er kau. Engdi ngdiak el demean era chad el milechell ra end era chodesongel. Leng ngkel chad a sebecel mor tiang meng di yor ra urerel. Ma chad el chad er tial blai a diak el bor tiang leng diak a effort erngii. Ma uchul me kede blechoel tirkal mechas er Belau a osiik a cheldechulel el kmo ngtechang ngkel kot el mesisiich el sebecel mor sei meng choteklii tial blai el moruchei. Me te mo melai er tirkel de dul kmo tulechell. Tirkel uchlechell a ngelekir a rsechal. Le ngerang. Leng sebecel el mengedereder er tir. Ngsebeched el oderderii el kmo ngkakid el chad a by birth eng sebecel mong engdi by effort eng bai klou el mesisiich er ngkal by birth me ke de nguu ngkal mong leng ngarngii a effort er ngii plus eng sebeched el choderderii. Le ngkel ochell el kirel mong doesn't need to listen to anybody. Ngdiak de chitii. Ngdi ke de bai value er a chad el by birth and by effort.

The value of individuals is not equal. Your value depends on your birth and effort. It does not demean someone born lower rank. Because anyone can reach higher rank depending on effort. A person of the clan (matrilineal) will not achieve without effort. That is why clan women are always looking for a strong leader to lead clan towards success. So, they will seek those men and women who are of the patrilineal line. Because they are able. We can make the following decision: those of the matrilineal line can lead however candidates from the patrilineal line are stronger leaders and we can tell this person what to do. Matrilineal candidate will not necessarily listen. We don't discount potential. We value a person's birthright and effort.

A Belau person's value is differently situated – there is “no equality”. “One's value depends on birth and effort. This does not mean however that an individual who is of the father's

line “ulechell” is overlooked in his or her potential contributions to the clan. This individual, through effort can in fact gain status in the clan”. The knowledge holder establishes this concept of value in explaining the position of a male clan member. Matrilineal decent determines one’s status in the clan with children of the man ‘ulechell’ occupying a lesser status. However, through effort, the ‘ulechell’ can gain standing and can be chosen for senior titles in the clan. It is clear that title holders have to demonstrate leadership skills and clan loyalty – these are important characteristics for clan leadership and decision making. An interesting point that the knowledge holder introduces is the choice of an ‘ulechell’ for clan chiefly titles. Senior women of the clan seek a strong leader who can bring status to the clan and maintain or advance its position in the society whether man or woman. As such, they would not hesitate to appoint a child of man for clan leadership roles. Knowledge holder claims that it is easier to control and guide the ‘ulechell’ than it is to control a child of woman ‘ochell’. Primarily because the ‘ochell’ recognizes his or her strong claims and higher status within the clan and therefore may choose not to go along with or address clan requests. This is why effort becomes central in determining who will hold the chiefly titles. This is certainly the case regarding male chiefly titles. Individual contribution to the clan is central in Palau’s society. Affiliation and loyalty to clan remain very much part of being a Palauan.

In clarifying the concept of value, knowledge holder #7 references the individual contributions of women and men and therefore the value of the role that the individual has in the clan and in the society generally.

Ng di a urerem ma urerek a osisiu a belkul er a society.

But, your effort and my effort are accordingly valued in the society.

Knowledge holder #7 states that the contributions of both women and men are the same – “our roles are equally important even though we are not equal”. It is important to note the distinction is made between the concept of equality and the idea of value. Generally, there is a degree of reluctance with the concept of equality precisely because as has been revealed by knowledge holder, a Palauan prioritizes individual effort and one’s contribution to the clan. Primary in this relationship is to make sure that clan status is supported.

7.3.3 Balance as a Central Cultural Value

The concept of balance is central to Palau’s culture and is reflected both spatially and cognitively within the dualistic system that comprises the sociopolitical structure of Palau. This understanding remains important in Palau’s contemporary space as discussed by knowledge holder #6.

Balance is very important here in Palau – especially culturally. There are always opposing sides so that 'a canoe can be balanced'. If we all go to one side, the canoe will tip over. This is Palau society - always there are opposing sides - 'bital uach ma bital uach'. It works better that way so that we can be sure about the direction we are going – that opposition will require that sides be more reflective of actions and policies etc. It's a check and balance system that continues today. Although we have a new form of government, this principle continues to operate in our society whether one can clearly see or not.

Knowledge holder #6 talks about the importance of this dual organization referring to “opposing sides” and so to the overall arrangement of the village council and the subsequent distribution of power positions. Knowledge holder additionally, refers to the division of villages into two sides of leg (*bital uach ma bital uach*) relating to the alignments of affiliated clans. This

notion is additionally applied to a village with two channels (*bitaltaoch ma bitaltaoch*) and within the village halves with semi-stable alignments of affiliated clans (*kebliil*). An additional way of conceptualizing the political organization of Palau is the concept of *bitang ma bitang*, side and side or two halves of a whole. Here two sides possess political strength in a dynamic relationship, while one is never seen to hold power and authority over the other (Parmentier 1987, 111). This *bitang ma bitang* relationship is demonstrated in the whole of Palau by the division of the island into two political units: *Bab el daob*, “upper sea” and *Iou el daob*, “lower sea” and villages constituting confederations lead by ‘paramount’ villages referred to as *bitang el ianged ma bitang el ianged*, or ‘side of heaven’ (Recheuodel, 1997). Knowledge holder #8 further elaborates on the concept and importance of balance in the following way.

Meng ngarngii a balance. Ma ngerachel ma responsibility ngarngii. A uchul meng bital uach ma bital uach, ma bital yanged ma bital yanged, a balance a society ea society a fluid. Meng diak de dul uase ke kot el ngar bab me ke di oungerachel a rokui. Le ngarngii a blibii el roles ra bek el kebliil a ngarngii a ngerchelir er sel belurir e lengarngii The fact el uase tial terebel a sebeded el melemiakl er ngii el mor bab e mong mekede melemiakl erngii el mor iou. Meng diak, unlike a bebil er a beluu el ngarngii a caste system er tir. So there is balance. There exists leadership and responsibility. That is why ‘one side of the leg and other side of the leg’, ‘one side of the sky and other side of the sky’, balances the society and so fluid. So, it doesn’t mean you are the highest rank so you take all the leadership. Because within clans are specific roles; within villages are specific roles. The fact remains that you can climb up the ladder and down the ladder. So, it is unlike other places with a ‘caste system’.

Balance is a central concept deeply implicated in Palau's sociopolitical space. Knowledge holder #8 points out that this sense of balance creates a chiefly system that is not static and although there is a hierarchal structure, ranking can often be altered or changed. Consequently, rank and mobility whether upward or downward can be fluid. Rank mobility occurs at the individual level to pan-Palau level with a certain level of fluidity and systems within each level of the overall sociopolitical structure. Knowledge holder maintains that because of this sociopolitical equilibrium, there is a sense of confidence, security and power for the individual Palauan as one maintains identity and belonging to a specific place.

E seikid sel sense of confidence, sel sense of security, ma sense of power because you are maintaining being (from a place) el chad er a beluu.

Knowledge holder #8 further elaborates on the importance of balance and the roles of both men and women in Palau.

Omdu meng ngarngii a keldorolel a merredel is because of that sense of balance. Not so much equality, it's a sense of balance.

The reason why there is that leadership 'counterpart' is because of that sense of balance.

Not so much equality, it's a sense of balance.

In clarifying the relationship between women and men, knowledge holder #8 refers to the example of titled individuals. A male chief has a female chief who is his counterpart and therefore brings balance to a governance system. According to her, this shared leadership responsibility creates the western defined equality however, in Palau's context it is not equality, rather it is the cultural principle of balance.

The concept of balance is central to Palau's cultural values and continues to inform the reality of everyday life for a Palauan. In application to the relationship between men and women,

this idea of balance means that women and men's roles in society are differently defined however balanced. Therefore, the Western idea of equality is necessarily insufficient when expressed in the Palau's epistemological space. Balance acknowledges the partnership between women and men and the important contributions each makes in society, generally.

7.3.4 The Role of Women and Men: Complementary Interdependence

What is made evident from the position of those opposing CEDAW is the perception that the Convention imposes on Palau's understanding of the relationship between women and men. Opponents claim that current discussions regarding the relationship between men and women that takes on a binary approach does much to misrepresent this relationship and does more to encourage divisiveness generally. Knowledge holder #4 speaks to this difference in the following manner.

Le siukang er kid a ungil bleketakl el meketeklii el uase ngarngii a kuk ngerchelir a redil ma ngerchelir ar sechal meng diak el ua tirkal convention el rullii meng di mosisiu ar sechal ma redil, sei ia CEDAW.

Our culture defines clearly the roles of women and the roles of men unlike the Convention which will impact the role of women and men essentially making women and men the same.

Culturally defined gender roles remain significant to Palau's contemporary society. Palau's cultural principles are based on a balanced relationship between women and men and gender remains an organizing principle in the Palauan society. For example, traditionally, male domain includes the marine realm and therefore related responsibilities – fishing within the reef as well as deep sea fishing; providing odoim (protein food stuff); construction of canoe including “heavier” work such as building construction, building and maintenance of road projects and

docks. Women's domain remains on land with primary responsibilities as cultivators of the land, providing ongraol (starch). Nero best expresses this relationship in the following way –

“Relations between men and women could best be characterized in terms of complementary interdependence. The production of both men and women was equally valued and necessary to the smooth operation of the complex patterns of affinal exchange channeled primarily through siblings and their respective spouses” (Nero, 1990, p. 67). The roles of men and women are further elaborated by knowledge holder #4 who seeks to clarify this interdependent relationship.

A remechas a redemelel a rubak malechub e te desemelir a rubak. E kid a rechad er Belau a medengeli tiang le ke de medengei el kmo a remechas a keldorolir a rubak. Meng kirir el chadecheduch er a delongelir a rokui el tekoi. A rubak a uaisei, ngmora bai e melib a tekoi engdi ngkirel mengedecheduch e subedii a kldorolel el uase a ikaikid a tekoi el bo doruul meng mekerang e mekerang. A remechas a dirrek el ngarngii a taem e te mengedecheduch er tirkal rubak. A kldorolir a rubak, a betok el taem e te nguua a rubak el mei e ua longedecheduch erngii e lolisechakl erngii el mo ungil, olisechakl erngii a tekoi era kebliil. Te blechoel e losisechekill me te blechoel ngarngii sel kuk di delongelir a rubak ma keldorolel leng kirir el tal tekoi a lobang.

Women ground men. Women chiefs are the counterparts of men chiefs. They continue to discuss clan matters together. The male chief informs the women chief counterpart of all that is discussed among the male chiefs and pertaining to the matters impacting clan.

Most of the time, women counterparts will inform and advise male counterparts on clan matters. Male counterparts continue to need direction that is why the partnership and discussions with the women counterparts.

Responding to questions relating to the role of women in Palau, knowledge holder #4 discusses the significant relationship between women and men generally and the relationship between senior members of a clan. Knowledge holder refers to a Palauan proverb to clarify this relationship – “A redil a desemelel a sechal”. This specific proverb relates to the canoe metaphor which needs the stabilizing quality of the outrigger so that it does not tip. A woman is the outrigger for man and therefore provides stability to this relationship. “A woman chief is a counterpart of a male chief – a male chief is never without his counterpart and as such both discuss all matters relating to clan and external of clan”. Knowledge holder explains the governance role shared between a female title holder and her counterpart clarifying that the male titleholder will join senior male title holders in the village but will always discuss clan matters with the women titleholders. The male titleholder will additionally be instructed and guided by the senior clan women and titleholders in matters relating to the clan. Nero (1999) further discusses this relationship in the political setting. “In the past, daily affairs were governed by the clans and by the chiefly councils of the village. The male council directed political affairs and the village activities through male work clubs, which worked in association with paired female work clubs. Affairs of women were the primary concern of the women’s council and clubs” (p. 67).

The significance of the role of women in taking care of the community is recognized in Palau culturally. Knowledge holder #4 underlines this important role that women have in the stability of the community.

Betok el cheldech duch er Belau a ikel redil a sebecheklel a beluu. Ak di nguu el mera beluu er a Imeliik e se dirrek el one ra sebeched lomes erngii leng betok el beluu a ngarnngii a cheldech duch erngii el diosisiu el dirrek el mo uai ngii. Kid a medengeli e

kuase a beluu er a Chelechui, betok el story era beluu er Belau, a ngarngii a ikel kora meklou el chelid el melemall ra rechad e menga ra rechad e melemall a delengchokl ma beluu ma rechad a chemiis e mo choitii a imol mechas e ngkeikid el mechas a di ngii el uaiseikid el mol mechellii a ngelekel el mol mekurulii el me klou el mekodir ngkel (chelid). Nguai ial sebecheklel a beluu. E sel momtab a rokui el cheldecheduch er Belau eng betok el di uaisei. Meng ual sel momtab eng di melutk el mora redil. Ar bai mengeteklel a beluu ma rubekul a beluu a smiik a rolir e ngmasech er a mlai e meius el merael e choitii a beluu ea mechas a kiei e mengituuk erngii.

There are many legends of women who protect the community in Palauan historical narrative. For example, Imeliik as is many other places in Palau. We know the story about Chelechui village like other places in Palau, there are stories of gods destroying settlements and villages, so people move away. In Chelechui, the villagers left an elderly woman who gave birth to children who killed the god. The woman saved the village. Community leaders, male leadership, abandon the village, however, the elderly woman stays and finds a way.

“A redil a sebecheklel a beluu” – women are the protectors of the community and the society. knowledge holder #4 recounts an historical example of women’s strength and leadership. “There are many historical examples of women taking on greater leadership responsibilities and in ‘saving’ communities from calamities”. One example relates to the historical myth of the giant snake of Elechui which periodically invaded the village. After some time, the village leadership, specifically the male chiefs decided to abandon the village leaving a single elderly lady. She continued to live in the village and eventually bore two sons who destroyed the giant snake and restored order to the village. This specific myth and similar ones throughout Palau recall

women's determination and the desire to protect the society and people. This role is further corroborated by knowledge holder #2.

... a ikel rokui el betok el mla lo meringel el cheldech duch el mla me tmuu er Belau el kora uai ial challenge er a authority er Belau malechub eng sel kora deruchellel to make decisions for ourselves a has always been..a ikel mo metacherbesul eng...always the women who have stood up for maintaining who we are.

The role of women in the maintenance of culture and communities is further elaborated in relation to claims of sovereignty. "Most of the external challenges attempting to undermine Palau's sovereignty, it is always the women who have stood up for maintaining who we are" (knowledge holder #2). Palau women recognize that it is their responsibility to make sure that the community is taken care of, that people are taken care of. Palau women take seriously this role in perpetuating culture and giving direction to policy benefitting the larger Palauan community. As such, it is not so unexpected for Palau's women and the Mechesil Belau to resist the ratification of CEDAW due the role of women in 'protecting' Palau's culture and society.

The authority that women have in appointing male chiefs is very significant. This is a point both opponents and proponents of CEDAW discuss. The counterpart of the female chief represents the interest of the clan with decisions based on consensus and dialogue with clan women. Additionally, it was pointed out that men do not enter the contemporary political arena independent of their clan support. Men's success is in fact tied to the clan networks on both sides of his family including his spouse. He is therefore obligated to clan politics and priorities rather than affiliated party politics that are male driven and is the practice elsewhere globally. What is interesting to note as well is the fluidity in which Palauan women remain key decision-makers in the new political system. In tracing back, the authority of women to appoint chiefs and to also to

remove them from their chiefly titles – it is the women’s privilege to occupy the male counterpart title in the absence of a capable male title holder. Several knowledge holders (#3, #4, #7) suggest that this practice can be observed in the current political context whereby men are promoted by women and sit in the Olbiil era Kelulau (Palau National Congress). Women remain politically active through influencing political processes and in having control over who enters politics in addition to having the individual choice of entering the political arena.

Women as caretaker of their families and their clans retain that authority and as expressed by knowledge holder #2, will take unilateral leadership role when necessary.

Women were the last resort el sel sekum tirkel lulutk er tir el mo meruul a ikal ngerachel a mo diak el sebecherir el kudmokl. So I think that even today we' re still being that way - a lsekum ke redil e medengeli a rengum eng diak em oltitech el remurt el moruchei. Ke dengchokl e mesterir a rechad me te meruul ra tekoi me sel lekea el sebechel e ke mochu offer a ngeheu.

Women are the last resort – if those (men) chosen for the positions are not able to fulfill their roles. If you are a woman and know yourself, you don’t try to compete to be the first. You sit back and observe others as they fulfill responsibilities and when they are not able to, you can step in to give support.

In instances whereby those men in charge are unable to fulfill their duties, women will generally step in and take care of the unfinished business. Knowledge holder #2 claims that women have a key role in the organizing of society and in making sure that communities are resilient. Key leadership roles revert to women when men are unable to manage. Knowledge holder #2 acknowledges however the important role that men have as well and explains it this way.

E ngdi ngdiak a tal sechal er Belau el diak lodengei el kmul kuase ngak a sel ledu el kmo ngera ochedak eng kirek lorrengees erngii - leng medengei el kmo tirka merredel er ngak.

We raise them strong leng kirir el support er ngkel ngar sel throne.

There is not one Palauan male who doesn't know that what the sister or close female relatives say need to be heard and addressed – because they know women are the decision-makers. We raise them (men) strong because they have to support the one on the throne (the decision-maker).

Knowledge holder #2 emphasizes that Palau's men know to listen to and to take the advice of their sisters or female elders of the clan. They know that sisters and female elders have primary status. Palau's men are "raised strong as they have to support the one on the throne" – that is the female counterpart. This is due to the woman's responsibility to the clan, to the health and welfare of clan members. This reflection of the position of women in Palau explains the important status of women in addition to bringing some understanding to the culturally derived roles of both men and women supportive of each other – interdependence.

Ultimately, men have to 'orrengees ra ruchedal' – men have to listen to their sisters including clan women. Because men's position in Palau's society can be somewhat tenuous if men choose to ignore the voice of women. As a matrilineal society and with lineage success dependent on a matrilineal line, men are well grounded in their genealogy through their mother's lineage. In the absence of the matrilineal lineage support, men are disadvantaged – they essentially lose their standing within the clan including their sphere of influence.

Throughout the discussions on CEDAW ratification, it became quite clear that there is an acknowledgement of the challenges in the contemporary Palauan society impacting both men and women. Additionally, that these issues related to the changing roles of men and women are

increasingly impacting the already changing sociopolitical structure with increasing demands for change. Palau's people are therefore reflecting on the usefulness of these newer systems and ideas shaping their community, however with an insistence on the significance of cultural values and the ways in which these can help to balance these changes.

Concerns remain that CEDAW will impact Palau's culture negatively in legislating for changes the traditional roles of men and women. Culture continues to be significant to a Palauan's identity and to sovereignty. Palauans continue to adjust to changes brought about first by colonization and now with globalization by retaining traditional cultural values important to a Palauan today. These are the two worlds that a Palauan navigates and therefore demanding a global approach to (re)defining the relationship between women and men different from CEDAW and the women's human rights movement.

7.4 Conclusion

A central argument the Mechesil Belau and others in Palau make in opposition of CEDAW is the way in which culture has been demonized within the women's rights discourse. Interpretations of cultures as such and at odds with the current concept of rights would mean Palau's women would have to abandon culture in order to enjoy their rights. This is of course untenable for Palauan women. Palau's people and particularly the women, recognize the significance of cultural systems in relation to their existing empowered status within the community. Palauans argue that culture has significant impact on the ideas of rights and as such is most suitable for safeguarding rights. A message from the Mechesil Belau and those opposing CEDAW is not to deny culture or ignore the complexities of women's realities. Instead, there is a need for the global women's human rights work to recognize important core values from Palau's matrilineal culture that will speak to the women's rights repertoire.

CHAPTER 8. THE DIFFERENCE THAT MATRILINEALITY MAKES TO THE CULTURE OF PLANNING

In 2011, the Mechesil Belau held a conference, the aim of which was to focus on the rights of women and to additionally hold discussions on the ratification of the CEDAW. The annual Conference had as its theme ‘women’s rights and CEDAW’ and became a forum for the continued discussion of the merits of ratification of the treaty instrument for women’s rights. The Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) states that despite the various human rights instruments that recognize the dignity and worth of the human person and in the equal rights of men and women, extensive discrimination against women continues to exist. Additionally, that discrimination against women is an obstacle to the participation of women on equal terms with men, and makes more difficult the full development of the potentialities of women to the service of their countries and of humanity.

Palau signed on to the eight UN human rights conventions in 2011 and has ratified the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disability (CRPD). Palau however remains one of the two remaining Pacific states not having ratified the CEDAW along with Tonga. Despite participating in the World Women’s Conferences in the region as well as internationally, Palau has not responded positively to ratification. Regional organizations promoting women’s human rights instruments and programs in the Pacific continue to question Palau’s position. Pacific regional organizations continue to engage Palau in regional work relating to the progression of women’s human rights, through regional initiatives. These works however project the currently defined position of women globally and regionally on Palau’s context. Specifically, Pacific women and Palau women in particular have been defined to be disadvantaged because of traditions and culture. This

representation of the Pacific is present in critical regional documents including the Pacific Platform for Action on Gender Equality and Women's Human Rights 2018 – 2030 and point to tradition and culture as barriers to the advancement of women's rights in the Pacific.

It is instructive to note earlier effort of Pacific women in introducing culture to the women's human rights agenda beginning with the Fourth World Women's Conference in Beijing in 1995. In drafting the Pacific Plan of Action, it was made clear the Pacific women's desire to recognize the importance of culture and traditions in their daily life. There were additional attempts at changing the increasing perception at the time that culture disempowered women, to reverse or slow down the progression of the demonization of culture that had become part of the global language of the women's human rights agenda. As has been discussed in the dissertation, this desire for recognition of the centrality of culture was overlooked during the Asia Pacific preparatory workshops prior to the Beijing Conference in 1994. Additionally, on the tenth-year review of the Pacific Plan of Action in 2005, culture was removed from the document that gives direction to the women's human rights work in the Pacific.

8.1 Findings and Recommendations

Despite over twenty years of CEDAW advocacy and the establishment of 'women's machinery' in the government, Palau's ratification of CEDAW has come to a standstill. During the earlier years of the CEDAW ratification process and at the height of regional advocacy campaign for the CEDAW, the Olbiil er a Kelulau (Palau's National Congress) considered the possibility of ratifying the CEDAW. At the time, international treaty instruments were new to the recently independent nation and ratification of conventions were and continue to be the purview of the Olbiil er a Kelulau. It is additionally instructive to point out that earlier advocacy work was largely driven by Pacific regional initiatives with regional agencies aggressively seeking

ratification of CEDAW from the Pacific states. Findings from this study call attention to the role of the state in advocating for the treaty. Also revealing is the role that civil society, largely through the Mechesil Belau, takes in speaking back to imperialistic processes.

Advocacy for CEDAW ratification is based on sentiments related to perceived obligations as a member of the global community, specifically the United Nations. Additionally, the language that is deployed by advocates of ratification is similar to the global language on women's human rights. Specifically, the language of global sisterhood continues to permeate much of the discussions surrounding the human rights of women, particularly as an instrument for advocacy of CEDAW. Local advocacy for ratification insisted on the global nature and the context of CEDAW and therefore the need to support other women globally. Problematic however to this notion of global sisterhood is the assumption of homogeneity that clearly discounts difference. That is, the global language of sisterhood overlooks the differently positioned women globally and particularly the cultural context that differentiates women's status. Thus, advocacy in the context of the global language of sisterhood overlooks Palau's key cultural values that are significantly beneficial for women. The implication of this argument is a certain homogeneity for global women therefore overlooking the importance of difference.

Globally, the ratification of international treaties is a practice extended to ratifying states. It has been pointed out that CEDAW has one of the highest rates of reservation by states, particularly in relation to Article 2 and Article 5 of the Convention. Pacific regional human rights experts and Palau's government offered treaty article reservations as a means to further encourage ratification. Coupled with the possibilities of reservations, were promises of the availability of resources and funding through different regional and global mechanisms through ratification. The insistence on the availability or access to funding with CEDAW ratification was

presented to the community, however, financial means due ratification was an affront to opponents of CEDAW.

One of the more convincing arguments that the proponents of CEDAW would discuss relates to the contemporary realities of women's lives in Palau. References to the changing roles of women and men related to the changing economic context were argued to need a more refined and appropriate approach. Advocates of CEDAW argue that the changing contemporary context and the related emerging challenges facing Palau's society and Palau's women need addressing through instruments such as CEDAW. Throughout the discussions on CEDAW ratification, it became quite clear that there exists an acknowledgement of the challenges in the contemporary Palauan society impacting both men and women. Additionally, that these issues related to the changing roles of men and women are increasingly impacting the already changing sociopolitical structure with increasing demands for change. Palau's people are therefore reflecting on the usefulness of these newer systems and ideas shaping their community, however with an insistence on the significance of cultural values and the ways in which these can help to balance these changes.

One of the ways in which emerging challenges have been addressed, has been the facilitation of spaces and forums for discussions. At the forefront of this work is the Mechesil Belau annual conference. It is important to note the position of Palau's woman in the contemporary landscape and the empowered position given women based on their traditional status. This empowered status has been critical in the creation of a women's group that is quite powerful in a sense that the group is able to impact legislative changes and political decision making at all levels in the society. Space exists for women to maintain and create discursive analysis of emerging issues and to further recommend solutions through legislative measures that

are generally passed by Congress. It needs emphasizing that this sense of empowerment did not come from some global human rights instrument, rather it is embedded in Palau's cultural and traditional values that continue to be part of a Palauan's world today. As such, Palau's women and the community endeavor to seek balance in Palau's contemporary setting in addressing the intrusive ideas external to Palau with cultural and traditional values.

The CEDAW consultations in Palau revealed the assumptions that persisted on the part of outside consultants and the subsequent interpretations that Palauan women were subordinate to men. This thinking allowed for the misunderstandings about the position of Palau's women and therefore framing earlier ratification discussions in the global women's rights language. This left no room for a more nuanced understanding of difference and to alternative discussions of rights in Palau. As has been discussed earlier in the dissertation, the regional approach to women's rights work in the Pacific continue to recycle 'flawed' representations of culture, largely unconcerned about emerging inconsistencies in the representations of women globally and the status of women in Palau. Palau's matrilineal society and the subsequent elevated status of women, complicates global discussions on the subordinated status of women and therefore discussions of rights and equality. Opponents of CEDAW in Palau understand the Convention to be inferior to Palau's culture in protecting the rights of women and therefore the refusal to ratify the CEDAW.

Emerging from the individual interviews and observations on the topic of women's human rights and CEDAW, is considerable opposition to the ideas advocated in CEDAW. What is made evident from the position of those opposing CEDAW is the perception that the Convention imposes on Palau's understanding of the relationship between women and men. At issue is the idea of equality and the perceived role that CEDAW will have in altering the

differently defined positions of men and women in Palau. Resistance to the idea of ‘equality’ is based on the balanced relationship between women and men and remains a significant principle in the Palauan society. This relationship that is based on complementary interdependence indicates the recognition that men and women are partners in the creation and maintenance of the culture and society of Palau and remains relevant in the contemporary setting.

Findings of this dissertation strongly indicate the centrality of culture for Palau’s people. The certainty of identity tied to place and the significance of culture and traditional practices remain meaningful to Palau’s contemporary society. Despite opposing ideas regarding the ratification of CEDAW, what endures in the conversations surrounding CEDAW is the relevance of culture and the significant ways in which both opponents and proponents of CEDAW refer to underlying cultural values that continue to guide Palau’s people. These conversations are further punctuated by an underlying resistance to imperialist tendencies and a persistence in Palauans asserting their own sovereignty. Palauans therefore demand a global approach to redefining the relationship between women and men different from CEDAW and the women’s human rights movement.

8.2 Decolonizing Planning

Planning practice and therefore the discipline has always involved enculturation of some sort – a disciplining in a way of being and doing. This enculturation becomes the rationalization process used in the practice of planning to further colonize spaces that are defined as ‘less than’ or ‘underdeveloped’. Although the discipline of planning has begun to explore these assumptions and has begun to explore alternative ways of doing planning, we have yet to fully understand the implications of planning work as it impacts and likewise is impacted by indigeneity. Indigenous planning as a newer field in planning remains peripheral to current planning practice and theory.

Indigenous planning however has the potential to facilitate the space for exploring the possibilities in reimagining planning. Planning therefore requires the recasting of the usual ways of thinking particularly for planning in Indigenous settings.

Planning as usually practiced is an instrument of a type of change that has become normalized as "progressive development". However, these normalized forms of "development progress" almost by definition involve fundamental changes to pre-existing or indigenous values and ways of life which are regarded as artifacts of the past and impediments to progress. More appropriate forms of planning, whether post-colonial, post-development, indigenous or whatever, pre-suppose or require critique of normalized forms of "development" and rethinking assumptions about what constitutes progress. Without being informed by that fundamental critique of development, then better planning practice simply means better, more efficient ways of realizing a type of change that is problematic.

8.3 Conclusion

Indigenous epistemologies and the subsequent cultural practices coming from the space of Indigeneity means a need to do away with such simplistic and nihilistic interpretations of culture to reveal the more complex realities in indigenous settings, particularly to the critique of cultural practices harmful to women. Defining culture in a simplistic and narrowly defined way overlooks the emancipatory potential of culture in enhancing the status of women globally. I argue that associated ideas of culture are often inaccurately made because cultures have other qualities that are empowering and others that are positively challenging. In Palau, there exists cultural norms and values that are supportive and uplifting of women's positions and therefore reinforcing women's rights. The findings of this dissertation point to the following cultural

concepts that became the basis on which Palau's women would reject the universalizing language of the CEDAW.

Palau's matrilineal culture offers a different position in which to discuss women's human rights. The impetus for women's human rights emerging from the West speaks to the subordinate position of women in patriarchal institutions and subsequent practices. This Western defined subordinate position of women is understood to be in contrast with that of a Palauan woman's position whose status remains superior in her culture. This superior position is grounded in the cultural understanding of the relationship between men and women based on complementary interdependence and the cultural conceptions of balance and the recognition of an individual's value. Culturally defined gender roles remain the organizing principle in the Palauan society and continue to hold significance in Palau's contemporary setting.

Complementary interdependence acknowledges the partnership between women and men and the important contributions each makes in society, generally. Consequently, the Western idea of equality is necessarily insufficient when expressed in Palau's epistemological space. Palauans maintain that a Palau woman and a Palau man both have and are valued. They are differently valued however – their values are not equal. This concept of value focuses on the individual contributions of women and men and therefore the value of the role that the individual has in the clan and in the society generally. The contributions of both women and men are the same – roles are equally important even though men and women are not equal. The distinction made between the concept of equality and the idea of value emerges in the research and clarifies the reluctance on the part of Palauans in accepting the concept of equality. As has been revealed in the research, Palauans prioritize individual effort and contribution to the clan. Discussions in

Palau therefore remain focused on the balanced relationship between women and men and the distinct and supportive roles that each play in the maintenance of clan, culture and society.

Balance is an enduring quality embedded in the epistemological understanding of Palau's culture. Balance speaks to the relationship between two opposing sides, each side having strength and position however one is never recognized to hold power and authority over the other. This concept of balance continues to inform the lived reality of Palau's contemporary space and remains central to the relationship between men and women. This relationship is expressed in a Palauan proverb 'a redil a desemel a sechal' – the woman is the outrigger for the man – and further corroborated in Palau's mythological history related to the Urresel Orachel, rock paintings of the God Orachel. Palau's traditional political structure emphasizes the partnership between men and women in leadership roles. Men and women traditional leaders hold titles that are counterpart of each other – a female chief has a male counterpart – this shared leadership responsibility brings the necessary balance to a society's governance system. Palauans maintain that because of this balance, there is a sense of confidence and empowerment for the individual Palauan as one maintains identity and belonging to place.

Palau challenges CEDAW's universalist ideas of women's rights and equality and offers an alternative interpretation of women's rights based on the cultural principle of complementary interdependence. This alternative understanding of rights has implications for culture and women's rights in planning at the global stage where rights are discussed and subsequently translated onto the local context. The concern with international frameworks such as CEDAW is the underlying aim to transform places. This transformation of places is suggestive of coloniality and imperialism not acceptable for Palau's women. CEDAW therefore represents foreign intrusion and the imposition of ideologies counter to Palau's understanding of the relationship

between men and women. Critically important to recognize in this resistance is the refusal of Palau's women to accept an erasure of Palau's culture, more importantly, an erasure of their position and voice.

The problematic debates surrounding CEDAW relates to the way culture has been defined in the women's human rights language. Culture is charged as a barrier to women's advancement and therefore remain an obstacle to the realization of women's human rights. These misguided ideas of culture continue to reinforce the idea that culture subordinates women and that modernity liberates them. This is of course reminiscent of the colonial tropes about tradition as backward vis a vis progress and modernity. Culture defined as such is problematic because it overlooks the more uplifting features of culture in Palau that places women in significant status in the community. Due to the problematics of culture as defined in the CEDAW and the subsequent implications for Palau's women, the recommendation is to redraft the CEDAW in its entirety to redefine what 'culture' is and to accommodate other ways of being and doing. This means at the least that the redrafting of CEDAW will have to accommodate the diversity of global cultures and particularly to states with existing place-based cultural and societal organization that protect the human rights of women.

Additionally, research findings speak to the 'culture' of planning at the local level and to the ways in which indigenous epistemology can inform these processes on the ground. Culture and women's rights planning in Palau requires alternative spaces and planning processes that engage indigenous epistemology and culture. This requires the continued active engagement of the traditional leadership and traditional groups in support of Palau's governance processes. The CEDAW ratification process in Palau demonstrates the practical role of culture in the contemporary space of planning through facilitating and making sense of universal knowledge

claims. Mechesil Belau created the space for important discussions and brought the necessary cultural context to the ratification process. This is significant given the importance of culture in the Palau setting and government planning processes necessarily mired in modernist planning ideas. Culture becomes the vehicle in which to contest these universalizing processes and brings balance to the two different political structures currently present in Palau.

The point of this argument supported by the findings of this dissertation is for planners to be aware of the importance of difference and to be respectful of other paths toward social change that may offer possibilities for indigeneity. In the case of CEDAW and the human rights of women discursive, it is made clear in the case of Palau that difference cannot be confused with cultural relativism that is universally objected to in the international human rights work. What is made clear in the case of Palau's matrilineal society is the centrality of culture that enables Palauans to live in agreement with cultural and traditional practices and to cultivating those practices in response to the evolving society in which they find themselves.

APPENDIX A: Institutional Review Board Approval



UNIVERSITY
of HAWAII
MĀNOA

Office of Research Compliance
Human Studies Program

August 29, 2013

TO: Klouldil Singeo
Principal Investigator
Urban & Regional Planning

FROM: Denise A. Lin-DeShetler, MPH, MA
Director

A handwritten signature in black ink, appearing to read "Denise A. Lin-DeShetler".

SUBJECT: CHS #21497- "Re-Engaging Indigeneity in Planning: COFA and the production of Space in Belau"

This letter is your record of the Human Studies Program approval of this study as exempt.

On August 29, 2013, the University of Hawai'i (UH) Human Studies Program approved this study as exempt from federal regulations pertaining to the protection of human research participants. The authority for the exemption applicable to your study is documented in the Code of Federal Regulations at 45CFR 46.101(b)(Exempt Category 2).

Exempt studies are subject to the ethical principles articulated in The Belmont Report, found at <http://www.hawaii.edu/irb/html/manual/appendices/A/belmont.html>.

Exempt studies do not require regular continuing review by the Human Studies Program. However, if you propose to modify your study, you must receive approval from the Human Studies Program prior to implementing any changes. You can submit your proposed changes via email at uhirb@hawaii.edu. (The subject line should read: Exempt Study Modification.) The Human Studies Program may review the exempt status at that time and request an application for approval as non-exempt research.

In order to protect the confidentiality of research participants, we encourage you to destroy private information which can be linked to the identities of individuals as soon as it is reasonable to do so. Signed consent forms, as applicable to your study, should be maintained for at least the duration of your project.

This approval does not expire. However, please notify the Human Studies Program when your study is complete. Upon notification, we will close our files pertaining to your study.

If you have any questions relating to the protection of human research participants, please contact the Human Studies Program at 956-5007 or uhirb@hawaii.edu. We wish you success in carrying out your research project.

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An Equal Opportunity/Affirmative Action Institution

APPENDIX B: Interview Consent Form

Agreement to Participate in Interviews

Re-engaging Indigeneity in Planning: Imperialism, knowledge and the production of space in Belau Study

Principal Researcher
Klouldil Singeo

This consent form acknowledges your participation in the *Re-engaging Indigeneity in Planning: Imperialism, knowledge and the production of space in Belau* study. These interviews are being conducted as a part of my PhD research study. The purpose of this research study is to understand the complexities of planning processes – specifically processes that impose on already established local decision-making systems and the resulting outcome of that interaction. I am asking you to participate in an interview because of your knowledge about, and involvement with the events of the Belau CEDAW ratification process.

The interview will consist of 7 questions, open-ended as well as specific questions regarding your experience in the CEDAW process. The interview will include questions such as, “How did you become involved in the CEDAW process and what role did you play in the process?” “What were the specific events during the CEDAW process that served as turning points in the eventual outcome of the negotiations?” “How did the community organize to resist or advocate for the CEDAW?” You will be one of approximately 15 to 25 persons whom I will interview for this study.

During the interview process, I will audio-record the interview so that I can transcribe the interview and analyse the responses. The recordings and transcripts will be kept in a secure file cabinet. Only my advisor, a University of Hawai’i professor and I will have access to the data. Please know that legally, authorized agencies, including the UH Human Studies Program, can review research records. After I transcribe the interviews, I will erase the audio-recordings. Your identity will not be disclosed unless you provide explicit permission to identify you by name in the study. I will use alternative terms such as informant or mentor when reporting my findings so as to protect your privacy and confidentiality to the extent allowed by law.

You should be aware that you are free to decide not to participate or to withdraw at any time during the interview process. You also have the right not to answer any particular questions. Additionally, do not hesitate to ask any questions about the study either before participating or during the time that you are participating.

There are no known risks and/or discomforts associated with this study. The expected benefit associated with your participation is the opportunity to participate in this qualitative study and to provide your voice in the understanding of the CEDAW ratification process. There is no direct benefit however to you for participating or not participating in this interview.

Should you have any questions or concerns regarding the rights of subjects and the duties of investigators, or are dissatisfied at any time with any aspect of the study, you may contact me,

anonymously if you wish, at (680) 775-4603. Alternatively I can be reached at the following email, Klouldil@hawaii.edu. You may also send questions about this research study to the UH Human Studies Program, or write to 1960 East-West Road, Biomedical Bldg, B104, Honolulu, HI 96822. Contact by phone is also possible at (808) 956-5007, or via email to: uhirb@hawaii.edu.

If you agree to participate in this project, please sign and date this signature page and return it to Klouldil Singeo, Principal Investigator.

I have read and understand the information provided to me about participating in the research project, *Re-engaging Indigeneity in Planning: Imperialism, knowledge and the production of space in Belau*.

Please check one box:

I give my consent to have my name appear in the research findings and report.

I do not give my consent to have my name appear in the research findings and report.

My signature below indicates that I agree to participate in this research project.

Printed Name: _____

Signature: _____

Date: _____

You will receive a copy of this consent form for your records.

APPENDIX C: Interview Questions

1. How did you become involved in the CEDAW ratification process and what role did you play in the process?
2. What were the specific events during the CEDAW process that served as turning points in the eventual outcome of the negotiations?
3. How did the community organize to resist or advocate for the CEDAW?
4. Which specific parts of the CEDAW did the community organize for or resist and why?
5. What were the difficulties in organizing or starting the process of local resistance – what were the challenges?
6. Please describe the different reactions the community took towards the CEDAW ratification process?
7. What were the different interests towards the CEDAW and how were they represented in the community?

APPENDIX D: CEDAW

On 18 December 1979, the Convention on the Elimination of All Forms of Discrimination against Women was adopted by the United Nations General Assembly. It entered into force as an international treaty on 3 September 1981 after the twentieth country had ratified it. By the tenth anniversary of the Convention in 1989, almost one hundred nations have agreed to be bound by its provisions.

The Convention was the culmination of more than thirty years of work by the United Nations Commission on the Status of Women, a body established in 1946 to monitor the situation of women and to promote women's rights. The Commission's work has been instrumental in bringing to light all the areas in which women are denied equality with men. These efforts for the advancement of women have resulted in several declarations and conventions, of which the Convention on the Elimination of All Forms of Discrimination against Women is the central and most comprehensive document.

Among the international human rights treaties, the Convention takes an important place in bringing the female half of humanity into the focus of human rights concerns. The spirit of the Convention is rooted in the goals of the United Nations: to reaffirm faith in fundamental human rights, in the dignity, and worth of the human person, in the equal rights of men and women. The present document spells out the meaning of equality and how it can be achieved. In so doing, the Convention establishes not only an international bill of rights for women, but also an agenda for action by countries to guarantee the enjoyment of those rights.

In its preamble, the Convention explicitly acknowledges that "extensive discrimination against women continues to exist" and emphasizes that such discrimination "violates the principles of equality of rights and respect for human dignity". As defined in article 1, discrimination is understood as "any distinction, exclusion or restriction made on the basis of sex...in the political, economic, social, cultural, civil or any other field". The Convention gives positive affirmation to the principle of equality by requiring States parties to take "all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men"(article 3).

The agenda for equality is specified in fourteen subsequent articles. In its approach, the Convention covers three dimensions of the situation of women. Civil rights and the legal status of women are dealt with in great detail. In addition, and unlike other human rights treaties, the Convention is also concerned with the dimension of human reproduction as well as with the impact of cultural factors on gender relations.

The legal status of women receives the broadest attention. Concern over the basic rights of political participation has not diminished since the adoption of the Convention on the Political Rights of Women in 1952. Its provisions, therefore, are restated in article 7 of the present document, whereby women are guaranteed the rights to vote, to hold public office and to exercise public functions. This includes equal rights for women to represent their countries at the international level (article 8). The Convention on the Nationality of Married Women - adopted in 1957 - is integrated under article 9 providing for the statehood of women, irrespective of their marital status. The Convention, thereby, draws attention to the fact that often women's legal status has been linked to marriage, making them dependent on their husband's nationality rather than as individuals in their own right. Articles 10, 11 and 13, respectively, affirm women's rights to non-discrimination in education, employment and economic and social activities. These demands are given special emphasis with regard to the situation of rural women, whose particular struggles, and vital economic contributions, as noted in article 14, warrant more attention in policy planning. Article 15 asserts the full equality of women in civil and business matters, demanding that all instruments directed at restricting women's legal capacity "shall be deemed null and void". Finally, in article 16, the Convention returns to the issue of marriage and family relations, asserting the equal rights and obligations of women and men with regard to choice of spouse, parenthood, personal rights and command over property.

Aside from civil rights issues, the Convention also devotes major attention to a most vital concern of women, namely their reproductive rights. The preamble sets the tone by stating that "the role of women in procreation should not be a basis for discrimination". The link between discrimination and women's reproductive role is a matter of recurrent concern in the Convention. For example, it advocates, in article 5, "a proper understanding of maternity as a social function", demanding fully shared responsibility for child-rearing by both sexes. Accordingly, provisions for maternity protection and child-care are proclaimed as essential rights and are incorporated into all areas of the Convention, whether dealing with employment, family law, health care or education. Society's obligation extends to offering social services, especially child-care facilities, that allow individuals to combine family responsibilities with

work and participation in public life. Special measures for maternity protection are recommended and "shall not be considered discriminatory" (article 4). "The Convention also affirms women's right to reproductive choice. Notably, it is the only human rights treaty to mention family planning. States parties are obliged to include advice on family planning in the education process (article 10.h) and to develop family codes that guarantee women's rights "to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights" (article 16.e).

The third general thrust of the Convention aims at enlarging our understanding of the concept of human rights, as it gives formal recognition to the influence of culture and tradition on restricting women's enjoyment of their fundamental rights. These forces take shape in stereotypes, customs and norms which give rise to the multitude of legal, political and economic constraints on the advancement of women. Noting this interrelationship, the preamble of the Convention stresses "that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality of men and women". States parties are therefore obliged to work towards the modification of social and cultural patterns of individual conduct in order to eliminate "prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women" (article 5). And Article 10.c. mandates the revision of textbooks, school programmes and teaching methods with a view to eliminating stereotyped concepts in the field of education. Finally, cultural patterns which define the public realm as a man's world and the domestic sphere as women's domain are strongly targeted in all of the Convention's provisions that affirm the equal responsibilities of both sexes in family life and their equal rights with regard to education and employment. Altogether, the Convention provides a comprehensive framework for challenging the various forces that have created and sustained discrimination based upon sex.

The implementation of the Convention is monitored by the Committee on the Elimination of Discrimination against Women (CEDAW). The Committee's mandate and the administration of the treaty are defined in the Articles 17 to 30 of the Convention. The Committee is composed of 23 experts nominated by their Governments and elected by the States parties as individuals "of high moral standing and competence in the field covered by the Convention".

At least every four years, the States parties are expected to submit a national report to the Committee, indicating the measures they have adopted to give effect to the provisions of the Convention. During its annual session, the Committee members discuss these reports with the Government representatives and explore with them areas for further action by the specific country. The Committee also makes general recommendations to the States parties on matters concerning the elimination of discrimination against women.

The full text of the Convention is set out herein:

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

PART I

Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake: (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

Article 3 States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.
2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Article 5 States Parties shall take all appropriate measures: (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

PART II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8 States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

PART III

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women: (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular: (a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures: (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
- (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
- (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
- (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.
3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13 States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular: (a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

Article 14 1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

PART IV

Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: (a) The same right to enter into marriage;
(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
(c) The same rights and responsibilities during marriage and at its dissolution;
(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

PART V

Article 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a [Committee on the Elimination of Discrimination against Women](#) (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.
2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.

7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

Article 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect: (a) Within one year after the entry into force for the State concerned;

(b) Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

Article 19 1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

Article 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.

2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. (amendment, status of ratification)

Article 21

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

Article 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

PART VI

Article 23

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained: (a) In the legislation of a State Party; or (b) In any other international convention, treaty or agreement in force for that State.

Article 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

Article 25

1. The present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 26

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 27

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 30

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.

APPENDIX E: Data Analysis Table

<i>Initial Coding</i>	<i>Axial Coding</i>	<i>Emerging Themes</i>	<i>Notes on Conceptual Theory</i>
Kldorolir a rubak/men and women counterparts	Balance		
Complementary roles of men and women			
Domain of women and domain of men			
Reciprocal relationships			
Bitang ma Bitang/Side and side			
Tabesul/Balance			
Always two opposing sides for balance			
Consensus			
Siukang a redil a mesisiich/ Women have high status culturally	Value	Complementary roles of women and men – different areas of domain supporting each other	Complementary interdependence is the core principle explaining the relationship between men and women different than the idea of equality
Osiur a rubak/to remove male chief title holder			
Hierarchy vertical and horizontal			
No equivalent of the word equality in Palau			
Ochell/Ulechell Father's line/Mother's line			
Chad el milechell ra end er odesongel/ non-matrilineal descent			
No equality – Value of the individual			

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