

# THE FIJI TIMES

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Second Century No. 2157.

MONDAY, AUGUST 23, 1976.

16 pp

10c

## PM IN NZ TO PLEAD CASE OF BANABABA

The Prime Minister, Ratu Sir Kamisese Mara, flew to New Zealand yesterday hoping to persuade the British Minister of State, Lord Goronwy-Roberts, to meet representatives of the Rabi Council of Leaders before Britain granted independence to the Gilbert Islands.

Lord Goronwy-Roberts had earlier planned to visit Fiji and meet Ratu Sir Kamisese to discuss the Banaban issue but had cancelled his visit reportedly because of a ban imposed by the Fiji Council of Trade Unions on all flights to the Gilberts.

### REJECTED

Before leaving Nadi Airport, the Prime Minister said he hoped his discussions with Lord Goronwy-Roberts would prove satisfactory so that he could tell the leader of the Rabi Council, Rev Tekoti Rotan, that the Banabans would be fully consulted before the final move into independence for the Gilberts.

Britain has rejected the Rabi islanders' claim for independence for Ocean Island, their ancestral home, and has treated the island as part of the Gilberts.

The Prime Minister plans to meet Lord Goronwy-Roberts, who is on a visit to New Zealand and Australia, in Wellington.

Ratu Sir Kamisese said he hoped to persuade Lord Goronwy-Roberts to see the representatives of the Rabi Council at a meeting arranged for them a week after he returned to London.

He said he hoped there might be some indication as to a fairer division in the proceeds from phosphate while it lasts on Ocean Island.

### LIFT BAN

The Prime Minister asked the president of the Fiji Council of Trade Unions, Mr Apisai Tora, at Nadi yesterday to lift the ban on air services until the time Lord Goronwy-Roberts met Rev Rotan.

Mr Tora agreed to lift the ban and added that the FCTU felt that it should not jeopardise things.

Before Ratu Sir

Kamisese flew to New Zealand, the chiefs of the Western Division performed a Fijian ceremony of where they presented him a tabua (whale's tooth) and Ratu Jona Vata, of Rakiraki, presented a petition on behalf of the chiefs and the supporters of the Banaban cause.

The petition urged the Fiji Government to obtain from Britain without delay a government-to-government assurance that Ocean Island would be excluded from self governing Tongaru (Gilbert Islands).

The petition wants Ocean Island to remain the direct responsibility of Britain until it convenes a round table conference to decide its future status.

Fiji should be invited as an independent sovereign state that must necessarily be involved in shaping the political future of the South Pacific once Britain had rid itself of its responsibility in this part of the world and had withdrawn from it, it said.

### WHOLE

It urged the Fiji Government to call immediately upon the secretary general of the Commonwealth Secretariat to seek Britain's approval for the Banaban problem to be solved peacefully by negotiation among all those intimately involved in the future of the Pacific and the Commonwealth as whole.

The petition said they were convinced that a reasonable and satisfactory solution could be found in the proposal accepted in principle by the Fiji Government that once Ocean Island was granted independence it could be granted associate status with Fiji.

### WEATHER

Forecast: Light rain to north, fair elsewhere  
Details P12.



BANABANS and their supporters march at Lautoka. Leading the march are the Tui Naciti, Ratu Senator Napolioni Dewai, Senator Jai Ram Reddy, Ratu Julian Toganivalu, the Tui Vitogo, Ratu Jo Sovasova, the Mayor of Lautoka, Cr Hari Punja, the Tui Vuda, Ratu Josias Tavaqila, and other Fijian leaders.

## Tangshan quake toll at 100,000

PEKING — Chinese officials have told foreigners that 100,000 people were killed in the city of Tangshan by last month's powerful earthquake, reliable sources said on Saturday.

The sources said the figure, not openly published, has been circulated in factories and universities.

The sources said the figure

### LATE NEWS

HONG KONG. — Another earthquake shook

China Royal ported, not yet at the 950 Hong said. Reuter.

was approximate and applied only to Tangshan, which has some 1.6 million inhabitants, not to the entire stricken area.

Records say 820,000 people died in an earthquake in China in 1556, the highest toll from a single earthquake disaster known to historians.

### DEVASTATING

The sources quoted Chinese officials as having said about 2,000 people were killed when Tangshan's biggest hospital was swallowed up by the earthquake.

Meanwhile a leading geologist said in Manila that Tuesday's devastating earthquake in the Philippines was the latest part of an extraordinary adjustment of the Earth's crust which has been going on for months.

— AAP-Reuter.

## Girmit party formed

A 76-year-old former Legislative Council member, Mr Brahma Das Lakshman, announced the formation of a new political party called the Progressive Girmit Party at Lautoka on Saturday.

One party was for the descendants of Indian indentured labourers and it hoped to put up candidates in the coming general election, he said.

Speaking from a cane lorry at Namoli Park, Mr Lakshman told about 100 people that the descendants of the indentured labourers had certain original rights under the British Government which had been ignored.

### BONDAGE

As a result, they had second-class citizenship status in Fiji.

When the Indians came to Fiji under the indenture system they were bonded for five years, after which they were free.

But the introduction of 30-year leases for agricultural land would mean lifelong bondage for the Indians and their families.

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FIFTEEN  
Escott  
rugby  
final

BACK  
Nadi wins  
schools  
soccer

MONDAY 20/7/76.

# Phosphate pact disputed by Rabi leaders

The Rabi Council of Leaders denied in Suva yesterday that the Banabans had signed a new agreement in London for the mining of another 100 acres of phosphate land on Ocean Island.

A report had said the Foreign Office in London announced representatives of Britain, the Gilbert Islands and the Banabans signed an agreement.

British officials said that under the new agreement, which would reflect higher prices for phosphate, 50 per cent of the royalties would go to the Gilbert Islands and the other 50 per cent to the Banabans.

But they declined to give details of the additional amount of phosphate to be extracted or its value.

The Rabi Council of Leaders' secretary, Mr Thomas Teai, said the announcement by the British Foreign Office was incorrect.

He called the announcement "misleading".

Mr Teai said all that had happened was that changes had been made in the timing of payments due to the Banabans from phosphate lands they had leased in 1973.

A comparatively small area of Ocean Island was leased for mining at that time and the Banabans insisted on better terms than they had been getting for many years for the greater part of the island.

## 85 PER CENT

They proposed to the British Government, which decides the proportions which the phosphate proceeds shall be divided between the Gilberts Colony and the Banabans, that it was about time those proportions were reversed.

The Banabans should get the 85 per cent the Gilberts had been receiving for a long time and the Gilberts should get the 15 per cent that had been the Banaban share.

That proposal was rejected. Instead, after hard

bargaining, the British Government agreed to divide the proceeds equally between the Banabans and the Gilbert and Ellice Islands Colony, as it was then.

But Mr Teai said this equal share came from only a fraction of the overall phosphate area being mined.

The Banabans still received only 15 per cent of the proceeds from the vastly greater part of the island.

All that had just been agreed in London was that the Banabans, instead of being kept waiting for certain payments until the end of mining on Ocean Island in June or July 1979, would receive them annually.

## 100 ACRES

"To say that under this so-called new agreement 50 per cent of the phosphate proceeds will come to us could mislead people into believing that we are to get half of all the proceeds," he said.

"That certainly is not the case."

"Nor were there 100 acres of phosphate land still available on Ocean Island that could have been leased."

Mr Teai referred also to a statement issued in London by the Foreign and Commonwealth Office last weekend about the controversial talks there on a constitution for the self-government at the Gilbert Islands.

That statement, released to the Press in Fiji by the British High Commission in Suva, said the constitution would safeguard undertakings about the future of Ocean Island given to the Banabans in a 1947 statement of intentions.

The Foreign and Commonwealth office said "This is in accordance with the offer made by the Chief Minister in 1975."

The undertakings referred to, Mr Teai said were given in 1974 in response to Banaban insistence that if they decided to make a permanent home on Rabi Island their rights on

● TURN TO P12

## WEATHER

Forecast: Mainly fine.  
Details P12.

## OTHER PAGES

**THREE**  
Building industry talks

**FIVE**  
Ford has small margin

**SIX**  
India in big oil league

**SEVEN**  
Education overhaul system

**CENTRE**  
Raviravi aquaculture project

**BACK**  
Records topple in Olympics

## Phosphate denial

### ● FROM P1

Ocean Island would be safeguarded.

"The British Government gave us a solemn assurance that we would have the right to travel freely to Ocean Island whenever we wished and could go back there to live if we wanted," he said.

### CLOSED

"Yet last year, when we sent groups of young Banabans by ship to re-establish a Banaban presence in our homeland, we found that the Gilberts administration had declared it a closed district and all Banabans not born there were

required to obtain a permit to land.

"That was a flagrant breach of the undertaking the British had given. After that, we cannot put any trust in other assurances."

"Moreover, the offer by the Chief Minister of the Gilberts to which the Foreign and Commonwealth Office refers was part of a 15-point plan put forward by the Gilberts as a substitute for our demand for independence for Ocean Island."

"In fact, it offered us nothing. My council rejected it."

Fiji Times 28/3/79

# Tarawa trial queried

Banabans' lawyer K.C. Ramrakha is in Tarawa questioning the right of the Gilbertese High Court to try 43 Banabans on charges of intimidation, arson, conspiracy and trespass.

A High Court spokesman said the Banabans appeared in court on Monday and again today.

Mr Ramrakha was questioning the right of the court to try them and the case was expected to continue for some time.

Six members of the Rabi Council of Leaders and the secretary are charged with intimidating the British Phosphate Commissioners and with plotting and ordering the fire bombing of BPC installations and equipment on Ocean Island on February 15.

The other 37 face charges of arson, attempted arson, criminal trespass, conspiracy and riotous behaviour.

# GEA and Caine

Sir. - I wish to comment on Carl Giblin's letter Caine and Banabans (March 13).

I feel he was speaking for himself and not the GEA Lautoka branch as he would be entitled to.

I would also like to comment on John Andrew's reply.

Where was Mr Caine on March 22, 1979?

I do agree our Member of Parliament should have been in the vital education debate in Parliament.

I do not agree that the GEA has become defunct but perhaps if John Andrew cares to look in the mirror he might see a person who could help make sure the GEA does not become defunct by supporting the association and attending meeting.

MALCOLM DUNCAN  
BEDDOES  
President  
GEA Lautoka Branch.

# LETTERS TO THE EDITOR

meaningless tragedies every year.

Today is someone else's child, tomorrow it may be yours.

D.B.R. LOMALOMA,  
Lautoka Hospital.

# Be fair to Banabans

Sir. - One is greatly puzzled as to why Joana S. Kotobalavu of ACS (Fiji Times March 15) has bitterly criticised the frequency with which the Banabans' problems appear in our local newspaper.

It was obvious from her letter that her scathing attack was based on nothing less than her inconsiderate attitude.

Miss Kotobalavu's school appreciates the fact that the Banaban people are our neighbours. We should not be indifferent to their present move but rather co-operate with them in every way possible, so that their objective can be achieved.

No doubt, however, she is well aware of the invaluable contributions these generous people have made towards the development of our country.

These contributions were highlighted in numerous fund-raising projects in our country which the Banabans were invited to open. They donated thousands of dollars to these functions without counting the cost.

It is regrettable that Miss Kotobalavu ignores these generous acts and chooses to make an outcry of the few spaces in the local newspapers which the journalists and Banabans use to further their cause and the sympathetic world to take note of it.

Probably she is ignorant of the fact Press freedom is a democratic privilege which extends its advantage to everyone irrespective of colour, creed, race or origin.

If she feels that there are many more important local matters which should appear in the newspapers rather than the Banabans' problems, she should by all means submit them to the Press for publication. We

Obviously NOT written by a junior Secondary Schoolboy

should like to read them.

Last but not least, one is not forced to read a news item which does not suit one's taste. He or she is at liberty to choose from the variety of topics contained in the newspaper. One should not forget that every news item published has a theme it wants to portray.

My little piece of advice to sister Kotobalavu is "Be self-forgetful and think of others."

PENI TOKAI LAVETA,  
Nakauvadra Junior Secondary School  
Rakiraki, Ra.

Fiji Times 24/3/79

# Writ is filed against Banabans

The Gilbert Islands Government has filed a writ in the Fiji Supreme Court seeking an injunction to restrain the Rabi Council of Leaders and any other members of the Banaban community from further interfering with mining operations on Ocean Island.

The writ, which was filed in the Supreme Court last week by Sir John Falvey and Mitchell Keil and Associates on behalf of the Gilbertese Government, also claims damages, costs and other relief that the court deems fit.

In its statement of claim the writ says that on February 15 certain members of the Rabi Council of Leaders, and other members of the Banaban community, its servants and its agents, interfered with mining operations of the British Phosphate Commission on Ocean Island through unlawful acts and caused damage to the Gilbertese Government.

It says the Council of Leaders "intends to take action to further interfere with the mining operations on Ocean Island, causing loss to the Gilbertese Government."

The Gilbertese Government, the writ says, is the government of the Gilbert Islands which includes Banaban or Ocean Island.

Fiji Times 28/3/79

# LETTERS TO THE EDITOR

# Logic on Banabans

Sir. - I would like to congratulate Atarake T. Rotan, who wrote the article on Banaban rights which appeared in Friday's issue, March 9, 1979.

Atarake T. Rotan explained his ideas with well planned, organised and logical facts which were clearly supported by ingeniously researched evidence and reports made by H.E. Maude and many others.

Referring to Ms Layon's and Ms Copeland's article on Banaban Claims, which appeared on March 6, it sounded as if they were chanting some old worn-out legends handed down from .... I don't know.

This form of writing is not good enough. These days people need facts to be convinced and without facts hardly anything holds. It is like water being poured into a bottomless jar.

Once again congratulation Atarake T. Rotan for expressing yourself so clearly and you have certainly achieved what you intended to underline to us.

DOREEN ANNE,  
Cakobau Road, Nausori.

PARLIAMENTARIAN Mr Fred Caine plans to go to the Sigatoka sand hills today to pray and fast "for the deliverance of the Banaban people and their ancestral homeland, Banaba."

Mr Caine will wear a black robe and carry a Holy Bible and a one-pint bottle of water which he brought from Peking during his trip there last year.

Yesterday Mr Caine stayed at his home in Drasa Avenue, Lautoka preparing for his five days of praying and fasting.

He is preparing several prayers. One of them called "A prayer for a country in exile."

Mr Caine said he would go without food as soon as he set foot in the Sigatoka sandhills. He would be there until Friday.

"I am not worried," he said. "I have been adrift in the sea for four days without food and water before and I know what sort of experience it is."

He added: "The world must know about the British Government's injustice."

Fiji Times 26/3/79

A very poor selection of cuttings re the Banabans.  
I am off to London via Sydney tomorrow for Neil's funeral and shall be away for 7 - 10 days.

Mr P. Caine

# Rabi family venture into fish industry

A RABI family went into a new venture last week with the new fishing boat Nei Wirara. The venture, according to the family spokesman, Mr Tebuke Rotan, "is a pilot scheme".

"I was always advising the Rabi Council of Leaders to go into the fishing venture, but they hesitated to go into something unknown," Mr Rotan said.

Mr Rotan, a London-based advisor to the Rabi Council of Leaders, is at present on nine months leave.

"But I will be resigning soon because I think that I have played my part in London," he said.

"I thought that I would prove that it could be done," Mr Rotan said talking about the scheme.

"We grew up with the sea round us and fish as our main diet. There is no reason why we should not succeed," he said.

All the five people on board the vessel are related.

The cost of building the Nei Wirara was about \$38,000, which was paid from a Fiji Development Bank loan.

"We will sell all the fish we catch to the Fisheries

Department in Suva," Mr Rotan said.

Mr Rotan said that the department had been helping him with the scheme and he hoped that their help would continue.

The 38ft long boat is built of plywood and fibreglass.

It has a width of 12 feet, and a depth of seven feet.

It also has 120hp engine and a freezer space where six tons of fish can be stored.

It was built in 16 weeks at the Carpenters Industrial yard in Suva.



THE Nei Wirara being launched last week

## Caine and the GEA

Fiji Times 29/3/79

Sir.— I refer to Mr Andrew's letter to you (March 22). He thinks Mr Fred Caine is indispensable.

He thinks that if Mr Caine was present during the education debate, the whole situation would have been changed.

My letter stated merely that Mr Caine's trip to Ocean Island was in no way connected with the GEA. It seems to me that Mr Andrew has an obtuse interpretation of my letter.

CARL GIBLIN  
Lautoka.

Cannot think why they give publicity to this self-seeking publicity part-European.



A LIGHTER side on the effects of Cyclone Meli comes to us from Alliance MP Mr Fred Caine, who ended a week of fasting and prayers in support of the Banabans in the Sigatoka Sandhills on Friday.

Mr Caine said when the storm was at its height he was praying for the collapse of the British Government in a crucial Parliamentary vote.

"But before the government could collapse, my tent collapsed on top of me from the winds."

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## Meanwhile, in the sandhills....

Fiji Times 28/3/79

Fred Caine today enters his third day of fasting and prayers in the Sigatoka sandhills in support of the Banabans who are seeking separation from the Gilberts.

He intends to stay in the sandhills until Friday, living only on a pint of water.

His prayers will include remembrance of Banaban leaders who were "political prisoners" as a result of bombing of phosphate mining installations on Ocean Island last month.

A WATER bottle and a Bible, Fred Caine begins his fast.



# THE FIJI

ESTABLISHED 1869

Second Century No. 1718

WEDNESDAY, MARCH 19

# BANABANS FACE GEIC ISLAND CLOSURE

Free entry to controversial, phosphate-rich Ocean Island has closed to all but Banaban people born there and Gilbert and Ellice Islands Colony Government officials.

The GEIC has issued an order declaring the island to be a "closed area" from March 3 — two days before Banaban leaders in Fiji announced plans to land 120 settlers at the island.

The first 60 men were due to arrive there in the Fiji inter-island ship *Ai Sokula* today or tomorrow.

Sources close to the Banaban community said last night that the GEIC island closure could prevent many of the men landing, because they were born in Fiji.

The Banabans said in Suva on March 5 that the GEIC Government did not oppose their resettlement of the island.

They plan to keep settlers there to support their claim for the island's return to them as an independent country.

Ocean Island, about 1000 miles north of Fiji, is politically part of the British-ruled Gilbert and Ellice Islands Colony.

The Banabans lived there until their mass migration in 1945 to Fiji, where they settled at Rabi Island.

A GEIC Government newspaper, the *Atoll Pioneer*, reported that entry to the island was restricted "to improve the administration and control of the island as the phosphate-mining operation enters its final stage."

## LICENCE NEEDED

The closed district order exempted indigenous people actually born at the island, Government officials and people acting on the Government's behalf.

All other people wanting to visit the island needed a licence obtainable from a district officer, the office of the GEIC Chief Minister or the GEIC Commissioner of Police.



# Governor opposes Banabans' claim

A plea that some £30m in royalties from phosphates expected to be extracted from Ocean Island should not be withheld from the people of the Gilbert and Ellice Islands was made by the Governor, Mr John Hilary Smith, at a press conference in London yesterday.

The people of Ocean Island, the Banabans, who now live in the Fijian island of Rabi, are involved in a High Court case claiming the whole of the royalties and other dues to the landowners for themselves. The phosphates are expected to be exhausted in 1978, and the island, virtually uninhabitable now, will then be unable to support a resident population. The Banabans are considering

secession from the Gilberts and Ellice group with which they are linked, although the colonial government has very limited jurisdiction in Ocean Island which is virtually run by the British Phosphate Commission, an Anglo-Australian-New Zealand Corporation.

Mr Smith pointed out that 80 per cent of the revenue of the islands as a whole has been derived from phosphates. The remaining royalties were needed to develop sources of livelihood for the 60,000 islanders.

There were, he said, only 2,000 Banabans, in effect, nearly all absentee landlords, living in Fiji at far higher standards than their fellow countrymen

in the other islands. Ethnically, they were identical with the Gilbertese. (The 5,000 Ellice islanders have now decided to be a separate colony.)

Mr Smith said the Banabans had the wealth to put their side of the case in Britain, and he felt it his duty to urge the claims of the poorer majority, of whose interests he was trustee, irrespective of the British Government's policy.

Mr Rowlands, Parliamentary Under-Secretary at the Foreign and Commonwealth Office, will shortly be visiting the area to assess the situation. Meanwhile, Mr Smith said: "Nobody is interested, and terrible things are happening."

*The Times 20/8/75*

## James in running



ONE of the hundreds of entrants in the Fiji Times Beautiful Baby Contest is James Shri Bhagwan (21 months), son of Mr and Mrs Benjamin Bhagwan, of Moti Street, Suva. Entries for the contest closed yesterday. It carries prizemoney of \$100 (first), \$50 (second) and \$25 (third). Details of judging arrangements will be announced soon. All pictures received up to last night are eligible for judging.

## Loan tape

Many Fijians who a  
after a recent Gov  
they wanted to do, a l

The spokesman said the bank's board of directors resolved that necessary changes be made in its policy to enable it to lend to Fijians for a wider variety of purposes than it had in the past.

The Asian Development Bank has been requested to consent to the changes.

The spokesman said immediately after the Government's announcement there were a large number of



— Helps improve your picture results

## PM has lunch Queen

Ratu Sir Kamisese Mara, wa  
who lunched privately with th  
ng yesterday of the heads o  
ments meeting in Kingstor

# THE FIJI

ESTABLISHED 1869

Second Century No. 1719

THURSDAY, MARCH 20,

# BANABANS LAND - BUT UNDER PERMITS

**Sixty Banaban settlers from Fiji have landed at Ocean Island — but only on a six-month permit from the Gilbert and Ellice Islands Colony Government.**

An immediate protest about the permit requirement was going to the Commonwealth Office in London, Rabi Island Council's manager, the Rev. Tebuke Rotan, said yesterday.

"I don't see the need for permits," he said. "I don't believe the British Government would back down from a gentleman's agreement.

Under the 1947 statement of intent, it has been agreed between our leaders and the British Government that our people have complete freedom to return to the island."

Mr Rotan telephoned the British Phosphate Commissioners, who mine the island, in Melbourne yesterday to find out whether the 60 settlers could go ashore at Ocean Island.

He had read in the Fiji Times that the GEIC

should be granted permits for only six months," he said.

Mr Rotan said most of the 60 settlers were young men born at Rabi.

#### SECOND BATCH

Another batch of 60 settlers would leave for Ocean Island later this month, he said.

Telephoned by the Fiji Times yesterday, the Nauru Broadcasting Service confirmed that the Banabans had landed at Ocean Island.

Ai Sokula called at Nauru to get Mr Tekosi Rotan, a Banaban leader who flew from Fiji.

A broadcasting service official said Fiji Times staff reporter Leone Vuetinivavalagi had travelled from Nauru to Ocean Island also to report the landing.

The Rev Tebuke Rotan returned to Suva this week from London, where the Banabans have begun a High Court action claiming more than \$12 million in damages from the British Government.

They say the amount is the value of royalties for Ocean Island phosphate wrongly paid to the GEIC Government instead of to them.



Government had restricted entry to the island, which is part of the British colony.

### INDEPENDENCE

The GEIC order said only Government officials or Banabans actually born at the island could land there without a special permit.

The order followed demands by the Banabans, the island's indigenous inhabitants, for its independence and their decision to land 120 settlers there to support their claim.

The Banabans migrated to Fiji in 1945 and settled at Rabi Island.

Early last week the Fiji ship *Ai-Sokula* left Rabi with 60 young men to resettle phosphate-rich Ocean Island.

The GEIC Government, which is partly self-governing, opposes the Banaban demand for independence.

Mr Rotan said he was pleased to learn from the phosphate commissioners that the first 60 settlers were able to land.

"But I don't agree they

January 14.

### Plight of the Banabans

From Mr Frank Hooley, MP for Sheffield, Heeley (Labour).

Sir, The plight of the Banabans first came to my attention nearly 10 years ago, when I was invited to look into their difficulties by my own church, the Methodists. I was considerably shocked by the information I managed to unearth by parliamentary question and discussions with Ministers, and not surprised to discover that this squalid story had provoked criticism in the Commons from members on both sides of the House over a long period of years.

It must be almost unique in colonial history that a tiny community of about 2,000 souls should have the very land they lived on excavated from under their feet, for the profit and benefit of three of the richest countries in the world, Britain, Australia and New Zealand. The specious briefs supplied by FCO officials and their predecessors to a long line of Ministers cannot excuse the sordid exploitation of these people, now exposed to public gaze by the forthright terms of the Megarry judgment, and I concur with every word of the eloquent article by Sir Bernard Braine in yesterday's *Times* (January 10).

I hope, in fact, that the existence of pressure from both sides of the House of Commons (which is both sincere and determined) will cause the Government in Sir Bernard's words "to deal generously with the Banabans, both financially and politically" so that the United Kingdom may relinquish with honour, not disgrace, our last responsibility in the South Pacific. Australia and New Zealand have a moral, if not a legal, responsibility, too, and as Pacific powers an even stronger incentive to make Ocean Island a healed wound, not a festering sore in that part of the world.

Yours faithfully,  
FRANK HOOLEY,  
House of Commons.  
January 11.

### Judge flies to inspect phosphate island

Mr Justice Megarry, aged 65, flew from London yesterday to the South Seas to inspect Ocean Island, a 1,000-acre speck on the Equator which its former inhabitants claim has been left "ravaged and looking like the surface of the Moon".

The islanders, the Banabans, want him to see the effect of 70 years of phosphate mining by a British-Australian-New Zealand corporation. They want the island's surface restored and food-bearing trees replanted.

icy drive

## Future of Gilbert and Ellice Islands

From the Chief Minister of the Gilbert and Ellice Islands

Sir, Recently there has been discussion in Parliament of the affairs of the remote dependency of which I am Chief Minister. It has concerned the status and future of Ocean Island, one of the 42 islands which comprise the Gilbert and Ellice Islands. The landowners of Ocean Island, known as Banabans because our Gilbertese name for the island is Banaba, have been resident in Fiji since 1915. Their land on Ocean Island is leased to the British Phosphate Commission which mines phosphate there.

The profits from phosphate mining are shared between the Government of the Gilbert and Ellice Islands and the Banabans. For many years our share of the profits were small—the original agreement in 1904 sold mining rights for a mere £50 a year. We have in fact long been subsidising the farmers of Australia and New Zealand with very cheap phosphate. But as my people are not allowed to play an increasing part in the government of their own country so things have improved and today we enjoy not only a fair world market price for our phosphate but currently an extremely high one.

This has encouraged the Banabans to seek separation and independence. They would then enjoy all the income from phosphate during the few years which remain before the deposit is totally exhausted. The people of the Gilbert and Ellice Islands are sad that greed should have tempted their own kinsmen in this way—but the Banabans have been living apart from us for some while and have been much influenced by strangers who hope to enjoy a share of their riches.

And rich they are. This year they will receive over SA3,000,000; the seventh of the total phosphate profits and completely untaxed by Government. This they share between some 2,000 people whereas our Government has a population of over 60,000 to care for, a population living on narrow, drought-plagued soils whose coral soils can support only the coconut palm and pandanus. The Banabans enjoy the agriculturally rich island of Rabi in the Fiji group. They have also been able to use their wealth to invest in business enterprises in the larger and relatively booming Fiji colony.

This does not mean that we do not sympathize with the Banabans' claims for compensation for past exploitation. We do. Where my Government differs from the Banabans is in our belief that it was the entire country which was exploited not only the Ocean Island landowners.

The Banabans contend that they are not related to the Gilbertese, that we are all Micronesian people, that we have the same gods, the same language and the same cultural traditions. Common administration for nearly 75 years under the British has developed contact and

communications established long before. We have always married between the islands and if there are differences between the Banabans and other Gilbertese they are the differences between the people of one village and another village in the same country, the differences between one family and another family in the same village. They are not the differences between one people and another people.

An indication of how closely we are related can be found in the composition of the 1,003 persons who were taken from Ocean Island and settled on Rabi Island in Fiji in 1915. Three hundred were from islands in the Gilberts other than Ocean. Of the 217 men in the party 112 were not Banabans. A recently conducted census showed that of the 2,000 people living on Rabi Island some 250 had both parents born in Gilbert Islands other than Ocean.

The Banabans also claim that the decision of my Government to allow the Ellice Islands to separate from the Colony is a precedent for according similar treatment to Ocean Island. This we cannot accept. In the first place it is a matter of regret to the Gilbertese people that the Ellice Islanders have decided to seek separation, but we can understand their reasons.

Unlike the Banabans they are not Micronesian people; unlike the Banabans they do not speak our language; unlike the Banabans their cultural traditions are different to ours. The separation of the Ellice Islands will be undertaken with the consent of my democratically elected Government while the separation of Ocean Island would be in direct opposition to our wishes.

As I told the United Nations Committee of 24 last November, the Government of the Gilbert and Ellice Islands consider the issue to be straightforward. Is our territorial integrity to be preserved or is fragmentation to take place before independence against the direct wishes of the elected representatives and the vast majority of the people? Is our only mineral resource to be used to benefit the country as a whole or only a few privileged landowners? To us the answers to these questions are clear and present an irrefutable case for the total rejection of the Banabans' request.

Unlike the Banabans my Government does not have the money or spare to engage international experts, foreign lawyers and public relations consultants to lobby on our behalf. I seek the indulgence of your columns in order that the British public be made aware of our strong opposition to the Banabans' claim and the reasons for that opposition.

Yours faithfully,  
NABOUA T. RABUETA,  
Chief Minister of the Gilbert & Ellice Islands,  
PO Box 68,  
Hariki, Tarawa.

## Future of the Banabans

From the Reverend Tebuke Rotan

Sir, As spokesman of the Banaban people here in London, it was a sad moment when I read the letter you published from the Gilbertese Chief Minister (February 6).

We do not blame the Gilbertese for our present plight. It is under the British Government that Ocean Island and the Banabans have seen their natural resources extensively exploited with little profit or benefit to themselves. Britain has sovereignty and any decision in our case must come from Whitehall. We had hoped that the Chief Minister would not want the British Government to evade its responsibility for the past by turning the problem over to the Gilbertese.

I can hardly believe the Chief Minister really thinks we Banabans are Gilbertese. We have vast differences in our cultures. To quote H. E. Maude, Department of Pacific Studies, Australian National University, who lived amongst us and the Gilbertese for 40 years: "Forgotten in Gilbertese tradition, unrecorded in the Gilbertese genealogies, it may be doubted if a single Gilbert Islander was aware of the existence of the Banabans at the time of their first contact with Europeans." On Banaban culture, Maude writes:

Much of their (Banaban) social organization has, however, been recorded and this indicates that the structure was essentially different from that of the Gilbertese.

The Gilbertese have agreed to the separation of the Ellice Islanders because they are a different people; seeing the evidence I have provided will the Chief Minister now agree that the Banabans should also decide their own future?

The Chief Minister will agree that there is one custom shared generally in the Pacific Islands. It is contrary to our traditional beliefs for the people of one island to take something that belongs to the people of another.

When Gilbertese and Ellice Islanders agreed to British protection in 1892, Britain ignored Ocean Island and none of the leaders of the 16 Gilbert Islands asked that Ocean Island should be included in their group. Research done by Robert Langdon, a leading writer on Pacific affairs, has shown that after we were persuaded in 1900 to sell our birthright for £50 per year, the Law Officers of the Crown found that Ocean Island "became part of His Majesty's Dominions in consequence of the occupation by the Pacific Islands Company and their hoisting of the flag, together with the British sovereign's licence to occupy it." If we Banabans, unskilled in the ways of the Western world, agreed to licence a commercial company to excavate our lands, we have agreed that our homeland should be included with islands which were strange to us so that when Britain left sovereignty over us would be handed to others. We were never asked if we wanted to

join the Gilberts, and if the British had asked us we would have refused. But we have had to watch the fruit of our land pay for the administration and running costs of a colony that was Britain's responsibility and of which we never considered ourselves part.

We were told we could not return to our homeland after the war, but we agreed to go to Rabi Island in Fiji and reside there only after the Commonwealth Office had made clear in their 1947 statement of intent that our rights to own, return to and reside on Ocean Island would be maintained. We struggled for survival in our strange, new environment and, to establish projects for our children's future, we borrowed money from an American bank in Fiji, and we are still borrowing money from other banks. All this while Britain's Gilbert and Ellice Colony Government was enjoying the bulk of the dwindling resources of our homeland. This year if we receive Australian \$3 million, they will collect A\$17 million, and their accumulated reserves are already very substantial.

Sometimes, it seemed that the spirit of the Banabans on Rabi was almost broken. But always in our soul there has been a vision. It is a vision of home. It is a vision that has sustained us and encouraged us in our fight to right what we consider to be great wrongs, even if that home on Ocean Island consists, after the phosphate has been excavated, of nothing but sharp-edged, rugged pinnacles of coral.

In 1967 we came to London to try and get help. We had discussions with the Commonwealth Office and felt we owed it to ourselves to get the best advice we could. Had it not been for the experts in Fiji and Australia referred to by Mr Rabueta, our efforts might have been in vain. And now in London a great legal battle launched by us over the sharing of the proceeds and other aspects of our case is nearing its climax. It would not be proper for me to comment on that except to say that we could not fight this battle against the British Government without foreign lawyers.

But it should be understood that the question of independence goes much deeper than material matters, it touches on the Banaban soul. What we are now asking for, after all these years of tribulation, is the fundamental human right to control our destiny. We want Ocean Island to become independent in association with Fiji amongst whose people we have lived for 30 years. Using Rabi Island as our platform, we want to return once more to our ancestral homeland. We were our own masters before the British came and we must be our own masters again.

Yours faithfully,  
TEBUKE ROTAN,  
Rabi Council of Leaders,  
Buckingham Court,  
78 Buckingham Gate, SW1.

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Yours faithfully,

TEBUKE ROTAN.

Rabi Council of Leaders,  
Buckingham Court,  
78 Buckingham Gate, SW1.

# LETTERS TO THE EDITOR

## Unrest in South Pacific islands

From Sir Bernard Braine, Conservative MP for Essex, South-East  
Sir, Your thought-provoking leader, "UDI in the South Pacific", September 3, rightly draws attention to the difficulties arising for metropolitan powers during the decolonization process.

However, you implied that the wish of the Banaban people for the return of sovereignty over Ocean Island is founded upon an unwillingness to share their phosphate wealth. The truth is that the main recipients of this wealth for the past 75 years have been Great Britain, which as the administering power has insisted on extracting from it over half the Gilbert and Ellice Islands Colony annual budget, and Australia and New Zealand, whose farmers have for years been able to buy Ocean Island phosphate at well below world prices.

In any event, these phosphates will be exhausted in 1978. Therefore, there will be no wealth from this source either for the Banabans or anyone else. The real issue is whether the Banabans should have the benefit of the last three years' production in order to restore their devastated homeland thus providing for their future existence as a people, or whether Britain, by refusing them independence, should continue, at Banaban expense, to subsidize the Treasury's responsibilities towards the Gilbert and Ellice Islands Colony.

The position regarding Bougainville is not parallel since the vast copper deposits are likely to last not three years but very much longer.

While Bougainville, as part of Papua New Guinea is primarily an Australian Government responsibility, it nevertheless concerns Britain for two reasons:

(i) it has been, until September 16 this year, a United Nations Trust Territory and Britain, as a member, must therefore share responsibility for the consequences of vesting this sovereignty in a unitary PNG Government;

(ii) it is of further significance to Britain that following the attempted secession of Bougainville from PNG the whole of the Western Islands District of the British Solomons Islands Protectorate (comprising a third of its population) has asked through its District Council to join Bougainville.

In April this year I visited the GEIC, Ocean Island and Fiji with my colleague Mr John Lee, MP. Our joint report, submitted to the Foreign and Commonwealth Secretary, called for an immediate round table conference to which Britain should invite Australia, New Zealand and Fiji in order that the Banaban dispute should be settled in the spirit of Commonwealth cooperation. Sadly, our recommendations were ignored.

The situation is drifting perilously. It is not surprising, therefore, that the shadows are lengthening across the Pacific.

As in the case of the Banaban issue, there is surely an urgent need arising out of Britain's responsibility for the Solomons to discuss these matters with our Commonwealth partners in the Pacific while there is still time to prevent a proliferation of Anguilla-like situations or worse.

Yours faithfully,  
BERNARD BRAINE,  
House of Commons.  
September 12.

From Mr Grenville Jones  
Sir, May I as an economic and constitutional adviser to both the Government of Bougainville (now styling itself the Independent Republic of the North Solomons) and the Rabi Council of Leaders representing the Banaban people,

comment on your leader (September 3) "UDI in the South Pacific"?

You rightly stress the dangers of possible fragmentation while, at the same time, underlining the need for small island communities, with strong nationalistic feelings, to work together. This is precisely what both the peoples of Banaba and Bougainville have been and are trying to do.

The Banabans, who were never consulted over their incorporation as part of the Gilbert and Ellice Islands Colony, have for long protested about their treatment. Although the Banabans fund over half the GEIC budget, they receive no benefits and have no representation either in the GEIC House of Assembly or in the various government departments. They want associated status with Fiji where most of them have been living since 1945 while at the same time seeking economic cooperation with the GEIC (surely the exact opposite of fragmentation?). However they are adamant that they alone should not shoulder the whole financial burden, but that this should be shared equitably—the brunt being borne by those governments (United Kingdom, Australia and New Zealand) who have for the past 75 years reaped the benefits of phosphate mining.

The situation of Bougainville differs in that the discovery of copper was a relatively recent event though Bougainvillean nationalism long preceded this. Despite their strong nationalistic feelings, one of the Bougainvillean leaders, Fr John Momis, Member for Bougainville in the Papua New Guinea House of Assembly, was deputy chairman of the PNG constitutional planning committee specially set up for the purpose of creating a constitution for an independent PNG which, while preserving the unity of the territory, would nevertheless recognize the ethnic and cultural differences between the various peoples comprising that state.

After several years of deliberation resulting in the creation of a constitution that seemed to reflect the aspirations of all the peoples of PNG, the PNG Government, ignoring the recommendations of the constitutional planning committee, have effectively gagged debate in order to force through the PNG House of Assembly a constitution which bears little resemblance to that originally and democratically agreed upon. Hence the declaration of independence by the Bougainville Provincial Government.

What is also disturbing is the attitude of both the administering powers concerned, the United Kingdom and Australia. The underlying reason for their policies seems the desire, on the one hand of the British Government, to avoid any charge to the Treasury through a total or partial loss of phosphate money from Banaba, while in the case of Australia, Bougainville is bundled with PNG for similar reasons.

In view of the bloodshed suffered in the past as a result of coercing the diverse peoples of new nation states into accepting colonial boundaries drawn in the distant past without regard for ethnic, cultural or geographical realities, is it too much to ask that these lessons should be learnt and a more statesmanlike approach adopted towards the feelings and political aspirations of large minorities? Fragmentation should, if possible, be avoided, but surely the regrouping of islands such as Banaba and Fiji, or Bougainville with the whole or part of the British Solomons, should be welcomed.

Yours faithfully,  
GRENVILLE JONES,  
22 Charing Cross Road, WC2.  
September 11.

Canberra Times 23.7.75

### BANABANS' CASE

## Judge to see island

LONDON, Tuesday (AAP). — The British High Court judge hearing a dispute about Ocean Island in the South Pacific is to visit the island in October.

Chancery judge Mr Justice Megarry announced yesterday that he had decided to agree to the wishes of the Banabans, the former inhabitants of Ocean Island, that he should see their former home for himself.

The trip is expected to cost the equivalent of \$A66,000.

The judge will also call in at the island of Rambi, 2,500 kilometres away in the Fiji group of islands where the former Ocean Islanders have lived since phosphate mining made their former home virtually uninhabitable.

The case, which has taken 67 sitting days so far, centres around royalties for the mining of phosphate and restoring ruined land.

## Banabans welcomed

Banabans received a big welcome from a Gilbert and Ellice Islands Government official when they went ashore at Ocean Island from the ship Al Sokula, Fiji Times reporter Leone Vuetivavalagi reported from Nauru last night.

Of the group of 60, 36 stayed at the island, including four women.

The ship Temple Hall, bringing equipment for the group from Australia, was

delayed on the way to Ocean Island.

One Banaban with the group, Teem Takoto, was fined \$40 at Ocean Island for criminal trespass at the home of a British Phosphate Commissioners' official.

The magistrate, Mr Kamuta Laatasi, said it was a disgrace that Takoto committed the offence when drunk. Takoto pleaded guilty.

● 'LAST BATTLE' P3.

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Fiji Times 22/3/75

# THE FIJI TIMES

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Second Century No. 1722

MONDAY, MARCH 24, 1975

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## OCEAN ISLAND WELCOMES 60 FROM FIJI RABI SETTLER GROUP STAYS



The Rabi Holdings ship *Ai Sokula* is on her way back to Fiji after landing 60 Banabans from Rabi Island in Ocean Island.

By staff reporter Leone Vuetivavalagi, who travelled to Ocean Island with the Banabans.

● SPECIAL PICTORIAL FEATURE TOMORROW

When the Banabans arrived in their homeland last week, they received a typical Pacific welcome from their kinsmen.

The landing from *Ai Sokula* was delayed because the group had to obtain special permits to enter the island, which the Gilbert and Ellice Islands Colony declared a "closed area."

But after this people on the jetty flocked to welcome back their kinsmen.

Most of those on the jetty were indigenous Banabans who have been working on the island for more than 20 years under the British Phosphate Commissioners.

The Fiji group, led by the managing director of

Rabi Holdings, Mr Tekesi Rotan, went to the Banaban community settlement, where food and entertainment were provided that night.

Everyone on the island greeted the group and treated them in friendly manner.

### ENGINE TROUBLE

There was only one complication — there was no temporary accommodation available for the group on the island.

Most of them except for those who had relatives ashore, had to sleep on board the ship.

The phosphate ship *Temple Hall*, carrying tents and most of the equipment for the group from Australia, was delayed because she developed engine trouble.

She broke a crankshaft on her way to the island and had to travel on one engine.

This delayed her by about three days.

### NOT HAPPY

Because of this, the original time for the departure of *Ai Sokula* on her return trip to Fiji had to be delayed so the group could sleep on board until their tents arrived.

Mr Rotan asked the BPC manager on the island, Mr Edgar Chapman, for help in providing the group with temporary accommodation and transport until the phosphate ship carrying their equipment arrived.

Mr Rotan said Mr Chapman was not too happy about this and said the commissioners could do nothing to help.

When they arrived, the group heard from those on the island that a site had been cleared for them to settle.

When Mr Rotan inspected the site next morning, he decided it was too exposed to the heat.

He decided to clear an alternative site.

### LEFT BARE

Members of the group then began work on clearing a site near the phosphate pinnacles which are a feature of the island.

Most of the land is badly scarred with the pinnacles, left bare after the

phosphate was mined around them.

Most of those in the group from Rabi had not been on the island for more than 20 years but some were on their first trip to their homeland.

Among this small group is Naomi Tona (18), of Nuku village.

He was born in Rabi and had to leave his parents and relatives to go on the trip.

He said he was sad to leave but he soon got over the feeling and began thinking of the expedition and what lay ahead.

### DRINKING KAVA

On their way from Rabi, members of the group lazed away their time on the ship drinking kava, telling stories playing guitars and singing songs.

They said that the trip in *Ai Sokula* was good and they enjoyed every minute of it.

GEIC officials who went to the island in the 69-ton Government ship *Nareau*

boarded *Ai Sokula* when she arrived.

They asked the skipper, Captain Frank Mitchell, whether an Opposition Member of Parliament, Mr Apisai Tora, was on board.

The boarding party said they had special instructions from their Government to look for Mr Tora on board.

### NO REASON

If they found him they were to stop him from landing on the island.

They gave no reason for this.

The group of 36 Banabans from Fiji who stayed behind on the island will be the core of those moving in to repopulate their homeland.

Mr Rotan is expected back in Fiji today, while *Ai Sokula* is expected by Thursday.

### WEATHER

Forecast: Showers, some thunderstorms. Details p. 6

ABOVE: In high spirits, some of the Banabans prepare to leave *Ai Sokula* on their way to the jetty at Ocean Island.

BELOW: Under a welcoming sign, one of the four women who travelled with the group meets some of her relatives and other members of the Ocean Island community.



OTHER PAGES

TWO Opposition leader in profile

THREE Minister war is on land group

FOUR Policeman drunk, disorderly

FIVE Refugee xodus begins

CENTRE Muslim anniversary feature

BACK Sports close to injury

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...be found in the field of local  
...government. I am told that at the  
...level of the district councils the  
...signs of cooperation are encourag-  
...ing.

Yours sincerely,  
**PATRICK MACRORY,**  
Chairman of the Review Body on  
Government in Northern Ireland,  
1970,  
The Athenaeum,  
Pall Mall, SW1.  
January 18.

### Plight of the Banabans

From Sir Bernard Braine, MP for  
South East Essex (Conservative)  
Sir, Both Sir John Peel (letters,  
January 14) and Mr Bernard  
Thorogood (letters, January 12)  
take issue with one aspect of my  
article of January 10 calling for  
justice to be done to the Banabans.  
Both contend that the Banabans are  
Gilbertese and that the latter have,  
for this reason, the right to enjoy  
the assets of the former.

Only Sir John produced any evi-  
dence of pre-colonial links between  
Gilbertese and Banabans, namely  
"an important chief marriage"  
between Beru in the Gilberts and  
the Banabans.

I hesitate to question a former  
Resident Commissioner of the  
Gilberts but a paper I have before  
me by a predecessor of his, Mr H. E.  
Maude, the acknowledged authority  
on the area, dates this link at AD  
1650 when some fugitives from  
political upheavals in the Gilberts  
arrived on Ocean Island and inter-  
married freely with the Banabans.

There was scarcely any other con-  
tact because Ocean Island was vir-  
tually inaccessible to the Gilberts  
until the arrival of European sailing  
ships. In short, there is no evidence  
that Ocean Island was regarded as  
part of the Gilberts until it was  
made so by British officials after  
the discovery there of rich phos-  
phate deposits.

The right to tax Banaban phos-  
phates to finance the administration  
of the Gilbert Islands, a charge  
which would otherwise have fallen  
to the British Treasury, derives from  
the exercise of British sovereignty  
over the area, not from any kinship  
links between the indigenous  
inhabitants.

No Member of Parliament, as far  
as I am aware, has any wish to  
ignore the interests of the Gilbert-  
ese people. But it is Ocean Island,  
not any one of the 16 Gilbert atolls,  
which has been totally ravaged for  
British, Australian and New Zealand  
benefit. It is the Banabans, not  
the Gilbertese, who have been  
mercilessly bullied and cheated by  
successive British administrations.  
The Government must not be  
allowed to continue to thwart the  
Banabans' profound emotional and  
cultural attachment to their home-  
land until the proceeds from the last  
tone of phosphate has been used to  
absolve Britain from her financial  
obligations towards her Gilbert  
Islands Colony.

Yours sincerely,  
**BERNARD BRAINE,**  
House of Commons.

...of the newspaper pub-  
lishers Association (NPA, the pro-  
prietors) and the unions including  
craft and industrial representatives.

This report, which had taken  
many months to prepare, was in-  
tended to be entirely confidential  
to the industry. However, because  
sections of the report gained un-  
authorized publicity, it was decided  
by the Joint Board that the report  
should be published in its entirety  
for general circulation. This was  
done and it was freely available to  
all who wanted a copy from the  
offices of the NPA.

This report, which remains avail-  
able in many reference libraries,  
fully vindicates the statements of  
Mr Astor. At the time of its pub-  
lication it was agreed by the repre-  
sentatives of management, and  
unions that it was a fair independ-  
ent and reliable study of the  
national newspaper business al-  
though each representative of the  
JBNNI did not necessarily agree  
with every sentence in the report.

The present problems which the  
industry faces are not the outcome  
of difficulties which developed in  
recent months, or the past two  
or three years, they have been de-  
veloping since the 50s. That they  
are receiving the attention they  
deserve now is a measure of the  
extremely precarious financial po-  
sition of the majority of national  
newspapers which has in large part  
arisen from the mismanagement and  
trade union practices of the past  
20 years.

Yours sincerely,  
**KENNETH G. BRAIDWOOD,**  
15 Pembroke Court,  
Edwards Square,  
Kensington, W8.  
January 19.

### The sale of Mentmore

From the Editor of The Connoisseur  
Sir, I am writing to you about Ment-  
more because the wrong decision has  
been taken about the future of this  
house and its collections, which are  
not widely known and which are of  
paramount importance. The case of  
Mentmore demonstrates in extreme  
form the problems faced by the  
owner of such a heritage, the gov-  
ernment department responsible  
for negotiating its future and the  
saleroom, in this case Sotheby's,  
brought in to advise.

Mentmore was built for Baron  
Meyer Amschel de Rothschild to  
the designs of Sir Joseph Paxton  
and G. H. Stokes between 1850 and  
1855. It is a grand, cumbersome and  
remarkable building in the English  
Renaissance style. Meyer Amschel's  
taste was in advance of his time  
and given the resources at his dis-  
posal, it is not surprising that he  
was able to bring together one of  
the most remarkable collections in  
Britain.

Even if one were to leave aside  
the paintings by Rembrandt, Murillo  
and Turner, the Sevres porcelain,  
tapestries, bronzes, Limoges enamels  
and priceless objects from the  
Doges Palace in Venice, the collec-  
tion of French furniture would rank  
as one of the finest in the world.

The fifth Earl of Rosebery

...Westchop,  
Newcastle Upon Tyne.  
January 16.

### What the Papers Say

From the Chairman of  
Television

Sir, David Astor's strange  
in his letter to *The Times*  
19, about the programme  
*Papers Say* appeared in  
a large and friendly  
newspaper proprietors,  
journalists had met for a  
celebrate the programme  
anniversary and to  
announcement of its, ann-  
to the press.

Any evidence of a state  
between the media was  
ously absent. Had Mr Astor  
even a representative sample  
1,010 editions transmitted  
would realize that the pro-  
criticism of Fleet Street  
friendly and often abrupt  
course there is the  
skirmish, as there must  
criticism is lively, but any  
to discredit the press exist  
his imagination. If Mr Astor  
this, he could consult any  
following Maoist guerrillas,  
whom has presented a score  
editions of *What the Papers*  
Brian Inglis, Michael Frank  
Evans, Bill Grundy, Michael  
son, Anthony Howard,  
Ingram, George Gale; or  
founding producers, Terence  
David Plowright, Michael  
and myself.

Yours faithfully,  
**DENIS FORMAN,** Chairman  
Granada Television  
36 Golden Square, W1  
January 20.

married Rothschild's daughter  
1878 and his grandson, the  
Earl, offered the house and  
rents to the nation in lieu of  
duties. Negotiations went  
many weary months to de-  
the feasibility of this plan.  
ably, the cart was put before  
horse and the Victoria and  
Museum who would have  
task of running the house,  
less opportunity to examine  
collection than the Sotheby's  
sentatives, whose view of  
problem must be very  
They are after all, primar-  
cerned with making money for  
clients, and themselves and  
be thought of as guardians  
nation's heritage.

It seems that Mentmore might  
go the way of Blackmore and  
comparable houses. In terms  
intrinsic quality and his-  
interest, the importance of  
collection, as a collection, can  
overestimated; it reflects the  
civilized taste of a very  
man, collecting at a time  
Britain's real power was at  
greatest. It is scandalous  
should be broken up, and  
Department of the Environ-  
perhaps even Sotheby's,  
those interested an explanation.

Yours faithfully,  
**WILLIAM ALLAN,**  
Editor, *The Connoisseur*  
Chestergate House,  
Vauxhall Bridge Road, SW1  
January 19.

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foundations.  
Jiri Lederer  
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human rights  
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# The Fiji Times

FIRST NEWSPAPER PUBLISHED  
IN THE WORLD TODAY

MARCH DAILY  
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Suva is just west of the international  
Date Line where the new day begins



FORECAST: Mainly fine.  
Details Page 22.

109th Year No. 101

THURSDAY, APRIL 26, 1979

32 PAGES

12c

# OCEAN ISLAND ARMED CAMP

## FMF chairman had figures, says witness

Flour Mills' chairman, Bombay businessman Pratap Singh Visanji, definitely knew of the falsification of the company's wheat stocks, the Supreme Court was told yesterday.

The allegation came from Suva accountant Mr Mumtaz Ali, the man appointed as the Government's investigator into the Flour Mills affairs.

Mr Ali said also that he could find no reason for the flour company's failure to reach a \$1,200,000 profit for 1976 except for the

methods it used to lower its profit figure.

A series of checks by his investigation team showed differences of up to 1100 tons in FMF wheat stocks compared with the figures given in

its stock sheets.

But in some instances FMF had been fair in making a monthly understatement of stocks, which had been nothing more than routine "prudent" accounting.

● Full report Page 14

The Banabans yesterday described their Ocean Island homeland as an "armed camp" patrolled by 400 police armed with rifles and teargas guns.

The Rev. Tebaiti Tawaka, leader of the 3000 Banabans, claimed heavily armed police were harassing his people.

The atmosphere was tense, he said.

Meanwhile, talks on Ocean Island's future between Gilbert Islands and Banaban leaders have been fixed for May 14 to 18 in Suva.

Most of the Banabans live on Rabi Island in Fiji, but hundreds have recently returned to their phosphate-rich homeland to fight for its independence from the Gilbert Islands.

Rev. Tawaka said police had arrested 19 Banabans after a dance hall fight on Ocean Island, but Gilbertese people involved in the fracas were not detained.

Police attempted to prevent photographs being taken of a Banaban injured by a police teargas shell and issued a report that he was hurt by a fall.

"They apparently made no attempt to get the man proper treatment in Tarawa and we had to arrange for him to come back to Fiji to hospital," Mr Tawaka said.

"He was beaten as he lay on the ground.

"They left him lying there unconscious and an ambulance was finally called by onlookers."

He said about 400 Gilbertese police were now stationed on Ocean Island, most of them armed with rifles and teargas guns.

"Everywhere the Banabans go they are watched by these heavily armed police. To add insult, police are now being trained in riot procedures on a Banaban community sports field."

He complained that 13 Banabans released in Tarawa af-

ter being charged following petrol bomb incidents in February, on Ocean Island had been stranded in the capital.

"They were released by the police. They are free men. It is the Government's duty, therefore, to take them back to Ocean Island.

"The Government shipped them to Tarawa from their homeland and they should be responsible for taking them back.

"If they cannot look after the legitimate needs of these people how can they possibly look after the welfare of the Banaban community?"

Mr. Tawaka said another group of 150 men were ready to go to Ocean Island from Rabi, where they were resettled after the last war.

# Banaba talks begun

16/5/79

Representatives of the Gilbert Islands Government and Banaban leaders, began in Suva yesterday in a continuing attempt to find a mutually acceptable solution to the constitutional dispute of Ocean Island.

The Gilbert Islands delegation is being led by the Chief Minister, Mr. Jeremiah Tabai, chairman of the Rabinal Council of Leaders. The Rev. Vaka, is leading the Banaban delegation.

The Prime Minister of Fiji, Sir Kamisese Mara, is presiding over the meeting.

Meanwhile, representatives of the Gilbert Islands Protestant Church, the Roman Catholic Church in the Gilberts

Fiji and the Methodist Church in Fiji, after meeting in New Hebrides to discuss problems facing the Gilbert Islands Government and the Fiji Government, called yesterday on the Gilbertese and Banabans to sign a treaty of friendship "to show there is no animosity between the two peoples."

The churchmen said the Gilbertese should reconsider the gaoling of Banabans involved in disturbances in Ocean Island, and that the Banaban leaders should prevent further violence there.

They urged further efforts to foster understanding and brotherhood between the Banabans and Gilbertese.

## LETTERS TO THE EDITOR

not too distant future the winds of justice may unleash to them what is theirs by birthright.

As for the self-proclaimed evangelists who had to brave the fury of Cyclone Mell in the Sigatoka sandhills fasting and meditating for the Banaban cause, I must salute them with heartfelt gratitude.

Indeed, I spent a sleepless Tuesday night worrying and praying for his safety lest he be buried by the sand or washed away by the tortuous waves below.

Let us hope that Mr. Caine's actions were solely and genuinely for the sake of these forgotten people and not as a leverage to some other underlying and long term motive.

J.O. VEIDREYAKI  
Lautoka.

## Trouble in Gilberts

Sir, I wish to draw your attention to an incident I witnessed which indicates the worsening of the once good relations that used to exist between Fiji and the Gilberts.

I am a Fiji citizen and have just returned from Ocean Island. On the night of Saturday 7/4/79 a party of Banabans and Fijians were drinking yagona outside the place where I was living. Some of them had returned from a dance when trouble had started.

A party of Gilbertese police arrived and began asking questions. They recognised two Fijians as Fijians and in my presence and picked up them.

The Gilbertese do not drink yagona as we do. The Gilbertese policemen saw the yagona bowl and said: "It is

GOLDEN  
CIRCLE JAM  
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Gilberts before independence there will be bad feelings in the new nation and in this part of the world. Meanwhile resentment against Fiji is growing.

D. CAMPBELL  
Toorak

# Banabans irate at UK official

The Banaban delegation to the Ocean Island constitutional talks yesterday protested about the presence in Suva of a senior British Foreign Service official.

The Banaban leader, the Rev. Tebati Tawaka, said the official, Mr. R.J. Stratton, appeared to be advising the Gilbertese representatives.

Yesterday afternoon two Banaban supporters, parliamentarians Mr. Fred Caine and Mr. Karam Ramrakha, met Mr. Stratton at the British High Commission.

The MPs said later that they asked Mr. Stratton precisely what his role was.

"We told him there were suspicions that he was in Suva to ensure that the Gilbertese did not make any major concessions," Mr. Ramrakha said.

Mr. Stratton, however, assured us that his only function was to stand by and relay messages to London from the conference if this was required.

"He confirmed that he would be travelling to London after the conference with the Chief Minister, Mr. Jeremiah Tabai."

Mr. Tawaka said that the Banabans had always held the view about the British Foreign and Commonwealth Office had played a major role in influencing the Gilbertese and that the hard line adopted by them was a result of this influence.

"We understand that Mr. Stratton is an extremely powerful and influential civil servant whose opinions on the Banaban question would carry great weight with ministers," he said.

"It seems strange therefore that he should be in Suva in the role of a standby messenger."

"Several people have seen Mr. Stratton in discussions with the Gilbertese delegates outside the conference room."

# Ocean Is talks to resume later

Gilbertese and Banaban representatives have agreed to continue talks on Ocean Island, after failing to resolve their dispute at meetings in Suva this week.

And a joint communique issued yesterday by the two sides said the Banabans had "reaffirmed that it was neither their desire nor their intention to delay the grant of independence to the Gilbert Islands."

Fiji's Prime Minister, Ratu Sir Kamisese Mara, said he hoped there was now a better understanding of the issues involved and the parties would continue dialogue with the goodwill and mutual resolve which had emerged.

The communique said the two sides recognised the issues were too complex and would need to be examined exhaustively at future meetings.

They accepted a working paper circulated by the chairman, Ratu Sir Kamisese, as a possible basis for future talks.

The Gilbertese delegation said it had no mandate to enter further talks which could delay independence, but the Gilberts would continue talks afterwards.

The communique said the Banabans were "extremely disappointed that consultations with the Gilbert Islands Government could not be carried further at this stage," particularly because proposals concerning Banaba (Ocean Island) in the Gilberts Constitution drafted in their absence were not acceptable to them.

The two sides would now tell the British Government of their positions, it said.

Ratu Sir Kamisese offered to help in future meetings.

## Talks on Phoenix future

21/5/79

Negotiations between the United States, Britain and the Gilbert Islands about the Phoenix Islands begin in Suva on Monday.

Under old legislation, the United States claimed all the islands in the South Pacific which had guano (phosphate deposits) including the Phoenix Islands.

A United States Embassy spokesman said yesterday the negotiations were to get the old claims sorted out before the Gilberts became independent.

Similar negotiations were held with Tuvalu before it became independent.



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● Full report Page 14

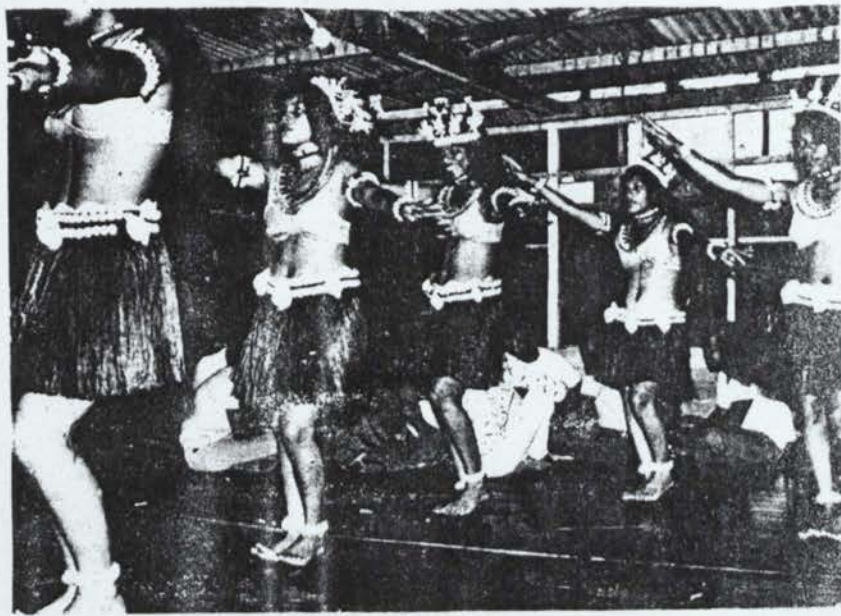
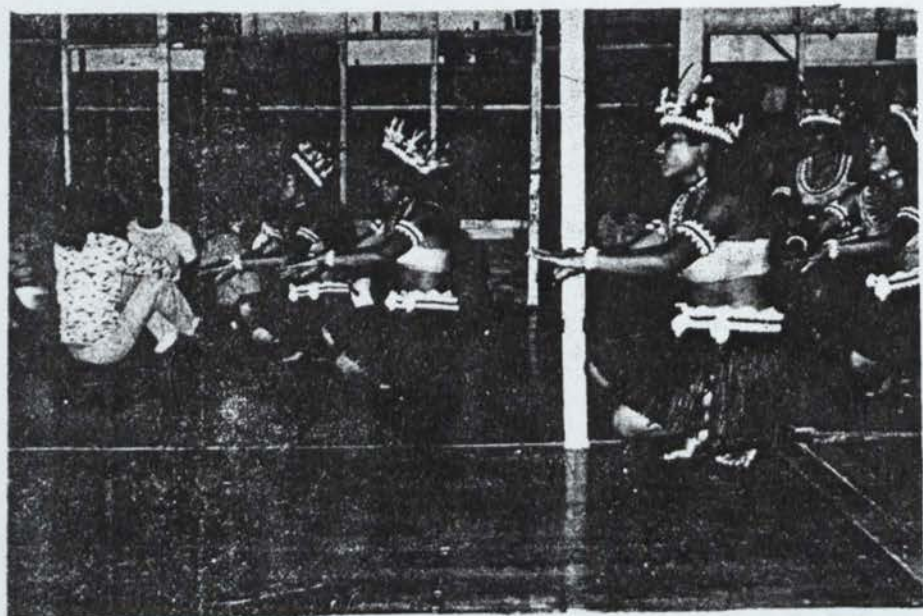
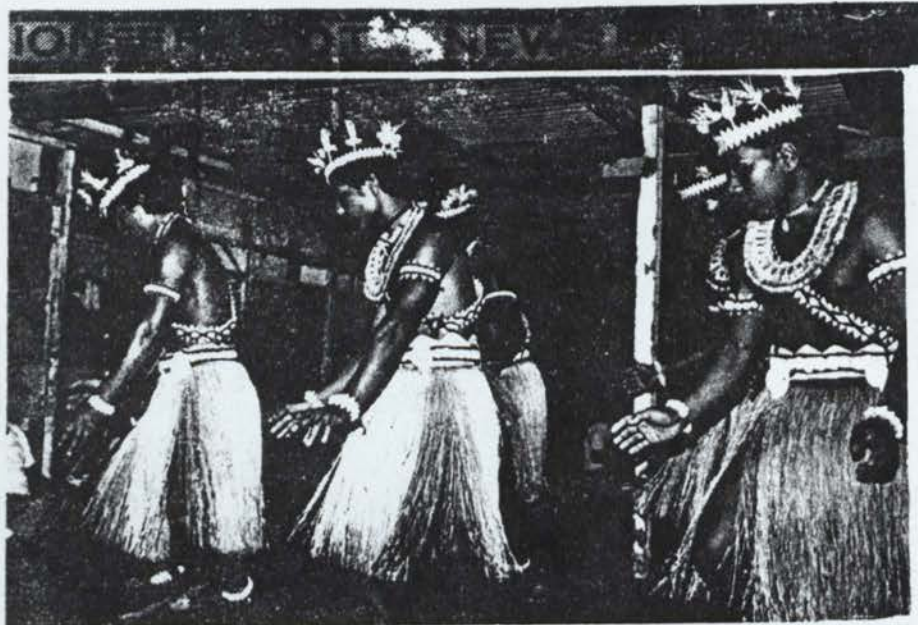
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# Atoll Pioneer

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## DAY TO DAY COURT PROCEEDINGS AGAINST THE BANABANS

### MONDAY

Fifteen Banabans appeared at the High Court in Betio this morning charged with arson.

Before the court proceeded, the counsel for the defence, Mr. Ram Rakha of Fiji, made several preliminary submissions claiming that Banaba, for Administrative purposes, was annexed to the then Gilbert and Ellice Islands Colony.

Mr. Ram Rakha said that British move which granted the Gilbert Island's self governing status in 1975 was illegal. He further stated that according to the 1947 covenant, the British Government granted the Banabans the right to

enter and live on Banaba whenever they like.

Because of this, he said that the venue for the court case should be at Banaba rather than Betio. Also on this ground, he intended to prove that the High Court of the Gilbert Islands has no jurisdiction over anything that took place on Banaba.

His intention was to prove that all cases tried in the court at Banaba between the years 1947 & 1975 were illegal.

Counsel for the crown then asked for an adjournment stating that he is not aware of the 1947 covenant, and asked leave to study this document first before

they can proceed any further.

The court was accordingly adjourned.

### TUESDAY

On Tuesday, the Attorney General summed up the crown's position on the question after which Chief Justice, O'Brien Quinn, ruled that the venue should be the High Court at Betio and deferred his ruling on the question of jurisdiction until 1.30 in the afternoon.

This afternoon, the Chief Justice made a ruling claiming that Banaba is within the Jurisdiction of the High Court of the

Gilbert Islands and the first of the seven cases against the Banabans was then heard.

The first case involved 15 Banabans charged with arson.

### WEDNESDAY

The High Court of the Gilbert Islands during its hearing today, adjourned the case until April 19 on the application of counsel for the defence seeking more time to study his client's statements.

The Crown raised no objection and all the accused received extension of bail.

## GI'S APPLICATION TO HIGH COURT ADJOURN

The application by the Gilbert Islands Government in the High Court, Fiji seeking an injunction against the Rabi Council of Leaders from causing or procuring any unlawful

act on Banaba contrary to the utilisation of Mineral Resources on the island including the business of BPC has been adjourned until Tuesday 10 April.

The Court how-

ever ordered that the Lawyer for the defendant should undertake to convey a message to the Chairman and Secretary of the Rabi Council that the defendant should not take any steps

to counsel aid or abet council members and members of the community in the commission of any unlawful act on Banaba while the application for an injunction is proceeding.

# Atoll Pioneer

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## Salaries Review Withdrawn - To be replaced with new revised 'package' offer.

A SPOKESMAN from the Ministry of Labour and Manpower said today that in view of the unacceptability of the "package" offer in the Report of the Salaries Review Commission to both the Public Employees Association and the BKATM Union the Government had agreed that the offer be withdrawn.

The views expressed by representative bodies and their proposal have been considered by the Government. The Ministry of Labour and Manpower has been given the task of endeavouring to formulate a revised "package" offer based on the recommendations of the Salaries Review Commission and the known views of staff representative bodies. The problems are being considered and it is hoped that in the near future a satisfactory solution will be found. The Government is as concerned as staff and employees to bring about

an acceptable settlement.

It will be remembered that as part of the exercise in drawing up new National Conditions of Service the government decided to conduct a salary wage and structural review of the Public Service and other public bodies.

Appreciating the concern that conclusions should be fair and soundly based, the Government decided that an independent Commissioner from outside the Gilbert Islands should be appointed to conduct the review. Mr. R.P Fry, a Senior Inspector of the Australian Public Service Board, the central personnel authority of the Australian Public Service, was appointed Commissioner. He was assisted in the review by three local assessors none whom is a public servant or con-

nected with public bodies.

The terms of reference of the Commissioner were wide and varied. He was to have regard to the likely economic circumstances of the country during the next decade, the social structure of the country and of attitudes of the Gilbertese community in relation to rewards for work, the essential requirements for efficient services and the cost and standard of living in the Gilbert Islands.

Wide publicity was given to the need for Trade Unions, Staff Associations and other interested persons to submit representations on any matters they wished the Commissioner to consider. Employees were welcome to make individual submissions to the Commis-

Cont'd on P2

### BANABAN

### TRIAL

### EXTENDED

### A WEEK

THE BANABANS, at the peak of their struggles to separate their home land - Banaba - from the rest of the Gilbert Islands, decided to take things into their own hands and travelled all the way from Rabi in Fii to Banaba and demanded that all mining operations should cease immediately.

The British Phosphate Commissioners (BPC), the company which does the mining did not take notice of th-

Cont'd P2

# Salaries Review

Cont'd from P1

sioner as well as through their Associations or Unions.

The Commissioner spent over two months in the Gilbert Islands and had discussions with Ministries, representative bodies and people from all sectors of employment both established and unestablished. Following this he recommended a "package" deal which he hope would satisfy all parties.

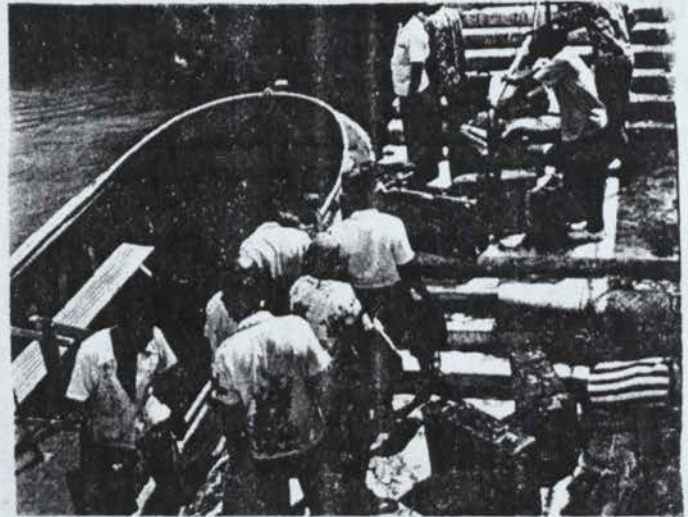
Government accepted the Report and recommendations but it become apparent that sta-

# Withdrawn

ff and employee representative bodies could not accept the Commissioner's offer as a "package deal!" They made counter proposals for a salary and wage revision which generally may not put to right anomalies or standardise conditions of service. These are important and need to be sorted out with a salaries increase.

The Ministry is concerned to resolve the difficulties as soon as possible.

# BANABAN TRIAL...



Some of the 150 Banabans arriving at Banaba last Friday.

Cont'd from P1

eir demand and the Banabans, led by Kaitangare Kaburo-ro, Vice Chairman of the Rabi Council, erupted in flam-

es along with some BPC mining installations and machinery.

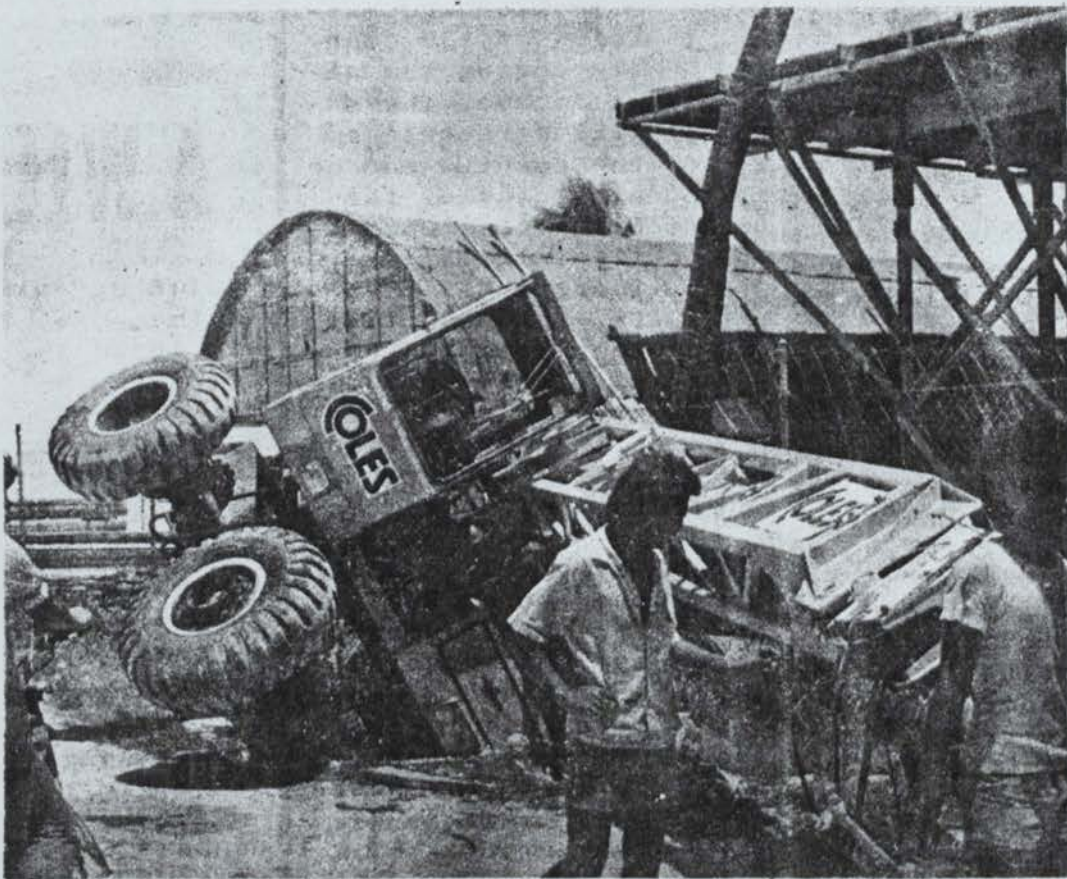
And now these Banabans are awaiting trial in the Gilbert Islands High Court at Betio for charges ranging from arson to taking part in a riot.

The case was to be heard last Monday but counsel for the defence did not turn up and the Banabans applied for an extension. This was granted on the understanding that the case will be heard this Monday with or without the defence counsel.

Meanwhile over 150 Banabans, man and women of all ages and children, arrived at Banaba last Friday. The group included a dancing team and a string band.

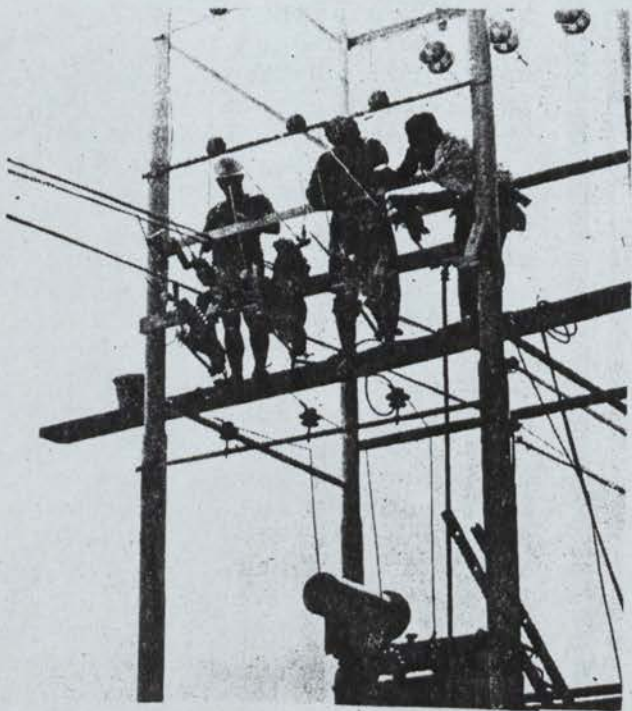
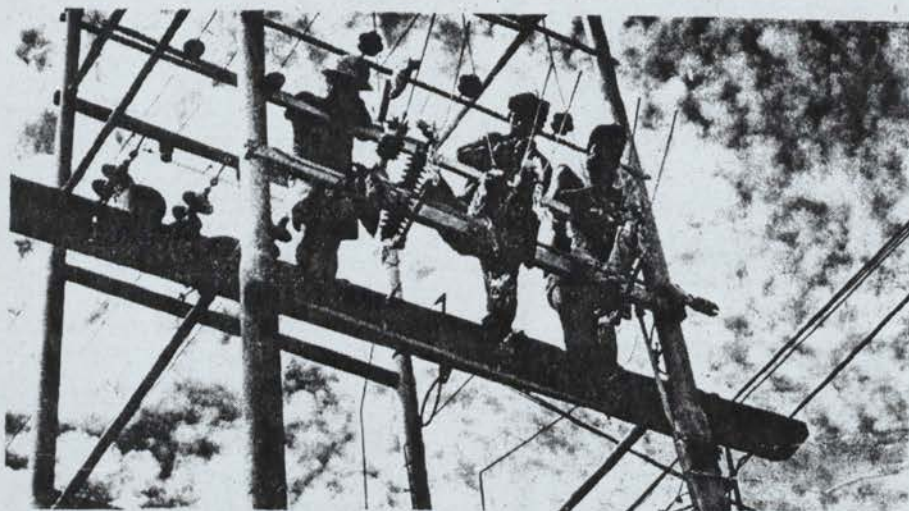
It was reported that a further 150 will be carried on the next trip of the "Cenpac Runder."

# Weekend Casualty



It was too close a tragic end for the driver of the above crane. The crane almost toppled over when one of its wheels dropped in a hallow ground close to the Bairiki wharf on Saturday morning.

# Banaban's Actions on Ocean Island



Pictures by  
Ma Kin Chu  
Banaba

(above) Part of the demonstration by the Banabans of Rabi on Ocean Island (Banaba). One of the slogans says 'British Justice Stinks.'

(centre and bottom pictures) shows some of BPC Gilbertese workers fixing electricity wirings damaged during the recent riots.

## Letters

Coconutty  
and the white  
Elephant

Dear Sir,

WITH INDEPENDENCE drawing close and according to one news report, a total of 30,000 tourists expected for the big occasion, no doubt there will be an enormous demand for sightseeing tours. One of the main attractions is bound to be that lasting memo to someone's total of imagination, the new Post Office building. Some unkind critics have suggested that as well as being an insult to Gilbertese sensibilities this edifice is also a 'white elephant.'

As I understand it, 'a white elephant' is something you have been given which you don't want and which is completely useless. Now how could this possibly apply to our Bairiki Post Office? Look how the postal service has improved since the new building opened. Bikenibeu residents will vouch for this. In the old days they used to receive overseas mail within a couple of hours of it leaving Bonriki airport. Naturally they all found this regularity and predictability terribly boring. Imagine the joy they now get as they see the mail

(CONT'D ON P5)

# Banabans bomb mining plant

NZ Press Association



BANABANS on Ocean Island prepare petrol bombs before attacking phosphate mining installations.

BANABANS WILL continue with ultimate efforts to stop phosphate mining operations on Banaba.

Their first raid on mining installations and machinery resulted in several of their members remanded in custody.

Those detained are the Rabi Island Council's deputy Chairman, the Rev. Kaitangare Kaburoro, assistant secretary, Teem Takoto, councillor, Tekae Tabuariki, Takaro Teuakitari, Betero Tionikai, Rokouea, Tebike Tebetang and Teiaua.

A total of 14 Banabans, including their vice chairman, the Rev. Kaitangare Kaburoro, are now being remanded in custody in Tarawa.

The group was brought in to Tarawa from Banaba on T. S. Teraka on Monday to await trials in the High Court due on March 19th.

They are to appear against similar charges of arson, criminal trespass, conspiracy to commit a felony and taking part in a riot.



Banabans burning the London Constitutional agreement beside the memorial of Capt. Ellis, who first discovered Phosphate on Banaba. (COURTESY - FIJI TIMES)

## Ministerial Tour on Constitution

(CONT'D FROM P2)

hardly saw anything. The party were now panic. Very fortunately, a catamaran was anchored off the beach. Timai and Tikataake untied the boat and sailed it to the scene.

At this point Tenaoa had reached the victim and shortly afterwards, the boat arrived and put both men aboard. "In my despair", Arobati said, "I prayed for my rescue and indeed, I am very grateful".

Everything was now okay but the question was raised, How could we cross the passage? The only way through this passage is to cross from the ocean side where it is apparently shallower when it's high tide. We all went up there. Half of the team got to the other side including the two Ministers. The rest were later picked up by a motor-boat, which happened to pass by.

Everything now sounds safe and fine and the team continued to the last village on the schedule, Butota for the public meeting.

The party returned back from Tanaea by car late in the evening.



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No 7 8 March, 1979

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## BANABANS TO APPEAR IN HIGH COURT

A GROUP of 14 Banabans, including the Vice Chairman of the Rabi Council of Leaders, Mr. Kaitangare Kaburoro are due to appear at the High Court in Tarawa on March 19 on several charges connected with petrol bomb attacks on mining installations and machinery on Banaba about two weeks ago. A police spokesman said these men are being remanded in custody to await trials on March 19.

The group arrived in Tarawa on T.S. Teraaka on Monday from Banaba where they had earlier appeared at the Banaban Magistrates Court.

Pioneer correspondent on Banaba said charges alleged against them were arson, criminal trespass conspiracy to commit a

## Ministerial Tour on Constitutional Talks

A PARTY comprising the Minister for Finance, the Hon Tiwau Awira, the Minister for Education, Training and Culture, the Hon Teatao Teannaki and a number of Government officials paid a visit to all villages in North Tarawa last week.

The tour which was aimed at informing people about constitutional changes on independence and financial matters was done

BY  
KABURE MOMO

by car and on foot. The opportunity was also taken to find out the problems of the people and thus establishing closer links with the rural community.

The Hon. Teatao Teannaki spoke mainly on constitutional changes and he announced the date of Independence - 12th July 1979. One major change that will come into operation is

(CONT'D ON P2)

felony and taking part in a riot.

Other Banabans, including those released on bail, who have been instructed by the Banaban Magistrates Court to appear in the High Court in Tarawa did not board Teraaka on Sunday.

Their arrests were made following petrol bomb attacks on phosphate mining installations on Thursday night in mid-February.

More than 30 men on foot and in landrovers, moving under cover of darkness, struck at target areas within half-an-hour

of each other.

The sabotage followed the British Phosphate Commissioners' rejection of an ultimatum by the Banaban people to stop all mining operations by 6pm on Thursday.

Explosions lit the sky during the attack and in half an hour three huge excavators, an hydraulic control box and two crushers were in flames, according to reports from the island. Police and BPC Gilbertese workers battled for half an hour to extinguish the fires.

The BPC's ma-

nager on the island burned his right hand while trying to fight a fire in the hydraulic control box. Two other Banabans were hurt in the raid.

Police ambushed a Banaban vehicle and fired tear gas at it. The five occupants were arrested after they abandoned the car.

About 100 more Banabans have left Fiji on the chartered Nauruan vessel, "Cen Pac Rounder," to strengthen their presence on Banaba. They are due on Banaba at the weekend.

## 1 tonne of Skipjack Caught

Story & Pictures on Pages 10&11

# Ministerial Tour on Constitution

(CONT'D FROM P1)

that the present Council of Ministers will in actual fact become the Cabinet. The President in his capacity as Head of Government could possibly select his Ministers up to ten (maximum) and if he so wish elect eight Ministers if he thinks his government could run.

In this respect the people have a more say because a member would put forward the views of his constituents for debate in the House and then to the Cabinet for further consultations. The matter then go back to the people for their say which is final.

There will be a Vice-President who will carry out the responsibilities of the President when he is away. The President himself will elect his deputy amongst his Ministers.

The Hon Tiwau Awira spoke entirely on financial matters.

"Thirteen million dollars is our annual current budget", the Minister for Finance said, "but this figure can go sky high/in a decade or so." The Minister went on to say that at our Reserve Fund will stand at \$70 million at the end of the year with a total in-

terest of about \$6 million.

Government has now established the Fishing Industry as a means of revenue resource when phosphate mining on Banaba ceased in October this year.

The party stopped for the night at Abaokoro after the welcome entertainment at Notou. On Saturday morning, February 24 the team continued to visit all villages south of Abaokoro by foot. The party stopped again for the night at Kainaba village. And on Sunday, another days walk to the rest of the villages began. An ordeal almost occurred when the party crossed the passage between Abatao and Buota.

Arobati Ikauria, a member from the Ministry of Education, Training and Culture nearly had a miserable sea ordeal. The tide was well up at a reasonable height when he himself crossed the passage to the other bank. The party arrived and saw him halfway ahead. With great relief some members of the team said, "Hay, see Arobati, he's about to cross the passage". And another member said, "He's pretty smart".

The group then all dropped in

the sea after Arobati with an effort to get as quickly as possible to the other side.

Very shortly, the party retreated because of strong current flowing from the ocean except Tenanoa Kanono, a member in the House of Assembly for North Tarawa who shouted back, "canoe, canoe". Timai Tekaa, sm-

elled trouble when he heard the shouts and swam back to where he had descended.

Arobati couldn't fight the current and the rest of the team could see him dodging between waves and out into the blue lagoon. Tenanoa then swam to his rescue. He swam like a butterfly calling out his name because he

(CONT'D ON P3)



**Make it a habit  
to read  
the Atoll Pioneer.**

# Banabans rejected offer of higher damages

Tito and Others v Waddell and Others  
Tito and Others v Attorney General

Before Sir Robert Megarry, Vice-Chancellor  
[Judgments delivered July 28 and 29]

After hearing argument on the quantum of damages, his Lordship awarded, in a reserved judgment, the Banaban owners of land in the Ocean Island 75 Australian dollars an acre against the British Phosphate Commissioners for their breach of replanting obligations (*Tito v Waddell*, *The Times*, December 6, 1976; [1977] 2 WLR 496).

His Lordship then heard argument on costs and delivered judgment on the following day.

Mr J. R. Macdonald, QC, and Mr C. L. Purler for the plaintiffs; Mr D. K. Rattee, QC, for the British Phosphate Commissioners in Ocean Island No 1; Mr J. E. Vinelott, QC, Mr Peter Gibson and Mr D. C. Unwin for the Attorney General in Ocean Island No 2.

HIS LORDSHIP said that the measure of damages was considered at some length in *Ocean Island No 1* and was adjourned for further argument, in default of agreement. At the same time, it was suggested that if the parties so desired, the matter could be decided without further argument in the exercise of the rusticum iudicium: see *Tito v Waddell (No 2)* ([1977] 2 WLR 496, 709). The parties had now asked for the matter to be decided that way.

His Lordship was further asked to express his decision in the terms of a sum of money in Australian dollars for every acre of land, on the assumption that the amount of damages appropriate to each acre of land was the same, whatever its actual location and condition, and on the footing that all the land had ceased to be used by the commissioners, so that the obligation to replant had arisen.

As was pointed out in *Tito v Waddell (No 2)*, his Lordship had

to consider the loss caused to the owner of an acre of land by reason of the commissioners' failure to replant in accordance with the obligations in two deeds and the loss of the advantage of having his land planted with coconuts, almonds and pandanus, with the consequent improvement in its appearance and such possibility as there was of edible fruit being produced in due time. On the whole, having regard to all the circumstances, including the nature of the terrain, an appropriate sum by way of damages was \$A75 an acre. That sum in no way represented damages on the basis claimed by the plaintiffs, with its levelling of the pinnacles and importation of vast quantities of soil, for that claim had already been rejected.

Another matter was the order in respect of a plaintiff who had shown title to a defined share in a plot of land but had failed to establish sole ownership and whose co-owners were not parties to the action, and would not be bound by the judgment. Could the plaintiff recover the damages appropriate to the share? Mr Macdonald contended that the authorities showed the answer was yes.

In his Lordship's view there was no distinction in principle between a plaintiff establishing title to the whole of a plot of land and a plaintiff establishing title to some partial interest in it: in either case there was the possibility that some person who was not a party to the proceedings might establish that he, and not the plaintiff, was the true owner of the land or the interest in it.

After delivering the judgment, his Lordship heard argument on costs, during the course of which Mr Vinelott stated that the Crown was not seeking any order. As his Lordship's judgment had drawn the Attorney General's attention to matters of criticism concerning the discharge of governmental functions in relation to Banabans, and there had long been concern about the future, when phosphate royalties ran out, there

had been discussions. The Crown had appointed Mr Posnett, a former Governor of Belize, to investigate and report on the situation. That report was made available.

Following that report and further discussions, the partner governments had proposed that \$A10m would be set aside as a fund for the benefit of the Banaban community as a whole, the annual income to be paid to the Rabi Council of Leaders for development and community purposes. That money would come from reserves of the commissioners derived from activities unrelated to mining on Ocean Island.

The proposal was indirectly related to the action in two ways. First, no order for costs was sought. It was hoped that forgoing the costs would not be seen as an admission that there was any legal merit in the actions, or that the Crown had any alternative but to contest them. Secondly, the proposal could not be finalized unless the Crown was satisfied that his Lordship's judgment would be an end to all litigation arising out of the mining of Ocean Island subject only to any appeal.

HIS LORDSHIP, giving judgment, said that between the plaintiffs and the commissioners a material factor was an open letter sent by the commissioners' solicitors to the plaintiffs' solicitors on May 7, 1975, Day 22 of the hearing. Neither the existence of the letter nor its terms were revealed to his Lordship until the argument on costs began. The letter offered \$A3,000 an acre in satisfaction of the replanting claims, and a further sum in respect of all other replanting claims, so that the two sums would give a payment of \$A750,000. While \$A3,000 an acre was far more than the \$A75 that had been awarded, it was far less than the plaintiffs' claim for \$A73,140 an acre. The letter also offered to pay the plaintiffs' costs of the actions up to May 16, Day 28, to be taxed if not agreed. On May 16 the plaintiffs' solicitors declined the offer.

Order 22, rule 3 of the Rules of the Supreme Court relating to the acceptance of money paid into court was not of assistance in relation to the case of an open offer in circumstances such as the present. It would be welcome if the rules could contain some provisions to regulate offers which remained undisclosed until after judgment of the type so familiar in compulsory acquisitions under the title of "scaled offers". The concept was valuable, particularly in cases where a payment into court was not appropriate.

In litigation on the present scale the nine days given to consider the offer were not enough. Even if they were enough, the offer should be considered in relation to the time-scale of the case as a whole. It was made about a quarter of the way through the hearing of the case.

A very large sum must have been incurred as costs by Day 1, and far more than a quarter of the costs must have been incurred by the quarter way stage. By Day 23 one of the Banabans had begun to give his evidence, and others had already arrived in England. The costs of nearly all the vast bulk of documents and the preparation of most of the evidence, and the great majority of the preparatory work by lawyers and others must have been incurred. If one were to draw a line rather more than a quarter way through the hearing, it was doubtful whether the costs subsequently incurred would outweigh the costs previously incurred.

His Lordship had come to the conclusion that broad substantial justice would be done if in *Ocean Island No 1* no order as to costs were made.

Solicitors: Davies, Brown & Co; Freshfields; Treasury Solicitor.

The Race Relations Board ceased to exist on June 13, and its functions were taken over by the Commission for Racial Equality.

Liji Rama 4/16/77

# BANABANS INSIST ON SEPARATION

## ... or they will not take the \$10 million

The Banabans will refuse Britain's offer of \$10 million to settle their Ocean Island claims as they also get immediate separation of the island from Gilbert Islands and all phosphate royalties.

At present 85 per cent of the royalties go in tax to the Gilberts which received a total of about \$90 million.

The Banabans retain 15 per cent, which has amounted to about \$10 million.

Last week the British Foreign Secretary, Dr David Owen, offered the Banabans \$10 million on behalf of the British Phosphate Commissioner, who controls Ocean Island phosphate.

The Banabans will accept the offer of separation for phosphate exploitation once they are given our political freedom

as well," Rabi Council of Leaders secretary Thomas Teai, said in Suva yesterday.

"We can never consider justice has been done until we have been given the right to determine our own future on our ancestral homeland."

In London another Banaban leader, the Rev. Tebuke Rotan, handed the British Government a letter after a meeting in Suva of the Council of Leaders.

Mr Teai said the letter insisted on a British Government order separating

Ocean Island from the Gilberts "forthwith."

It called for the island to be administered separately by a commissioner directly responsible to Britain "until such time as the Rabi Council determines the future status of their homeland in negotiation with the Government of Fiji."

The letter points out that the Banabans want Gilbert Island rights to Ocean Island phosphate royalties stopped from March 30 this year.

The Banabans stipulated that the fund to be set up with the \$10 million

must be under the control of their council. They say the money would help them to "re-establish a presence on their ancestral homeland and restore at least a part of the ravages of colonial exploitation."

Mr Teai said that if the conditions outlined by the Banabans were met, no further claims would be made against the partner governments and no further legal action taken once the food tree replanting action still pending before the High Court in Britain was settled.

The Methodist Church in Britain has supported the Banaban cause at the request of the Fiji Methodist Church.

Mr Teai said the Rabi Council had given the Fiji Prime Minister, Ratu Sir Kamisese Mara, a mandate to speak for them when he gets to the Commonwealth Conference in Britain next week.

## Court award angers Banabans

THE BANABAN people of the South Pacific are expected to appeal against last week's High Court award of £9,100 compensation for damage caused to their homeland, Ocean Island, through 50 years of phosphate mining, writes Roy Perrott.

The islanders' emissary in London, the Rev. Tebuki Rotan, said yesterday: "My people will be puzzled and sadly indignant at this totally inadequate sum. He said they had already ejected an out-of-court offer of nearly £1 million from the British Phosphate Commission.

The islanders already face a bill of £300,000 for the costs of actions over the past four years against both the British Government and the Phosphate Commissioners,—the longest case in British legal history.

In an earlier judgment Sir Robert Megarry, the Vice-Chancellor, had indicated that the Government had a moral duty to the islanders rather than a precise legal one. As a result, the Government offered the islanders £6.5 million as an ex-gratia payment, subject to no further legal action. An appeal against the High Court ruling might put this figure in the negotiating ring again.

The size of the award is bound to raise doubts among the 3,000 Banabans about their plan to reoccupy part of Ocean Island, to which they feel strong ancestral ties. (They now mainly live in Rabi, part of the Fiji group.) Given enough funds, they want to establish a community of 500 on the island to start a fishing industry.

They say that they need substantial compensation money to replant the island to give means of subsistence.

# BRITAIN COULD GIVE WAY TO BANABAN CLAIMS, SAY OBSERVERS

If Britain faced a rupture with Fiji over the Banaban issue, Britain would give way to Ocean Island separation, according to diplomatic observers in London.

The reports say that British Foreign Office departments concerned with dependent territories and the Treasury see their overriding interest as protecting the Exchequer from demands which could possibly be avoided.

Their policy was to prevent the Banabans receiving future

phosphate revenue which was due to be invested in the Gilberts.

The phosphate money would help the Gilberts balance their budget and avoid calling upon the British Treasury for grants in aid.

The observers suggest that other Foreign Office departments which carry considerable power would overrule these considerations and push for permitting Ocean Island independence if Fiji threatened

to rupture its traditional friendly relations with Britain over the matter.

The Banabans have said they would only accept the British Phosphate Commissioner's offer of \$10,000,000 to settle their Ocean Island claims if they also get immediate separation and control over phosphate revenue.

The chairman of the Rabi Council of Leaders, Mr Rotan Tito, gave the Prime Minister a letter before he left Fiji on Sun-

day for the Commonwealth Conference which said: "For much of my life I have been fighting against wrongs done to our people and our homeland."

### CLIMAX NEAR

"Now at last it seems that the struggle is reaching its climax.

"Perhaps before I die I will see once more a free Ocean Island whose remaining natural resources will go to the people to whom they belong."

"Then my soul will rest in peace."

At Nadi a deputation, including the Tui Yuda, Ratu Josaia Tavaia, the Mayor of Suva, Cr Hari Punja and the chairman of Lautoka Alliance District Council, Mr Dan Costello, gave Ratu Sir Kamisese a letter recording their whole hearted support for the Banabans.

Ratu Julian Toganivalu, now a senior official with the Nauru Government and a former ad-

visor to the Banabans, said in Nauru yesterday that there was no substitute for the Banabans getting back their island.

He did not consider the British offer of \$10,000,000 satisfactory.

"Britain seems to have palmed off its responsibility in this matter on the British Phosphate Commissioners," he said.

"It is the United Kingdom's responsibility to provide for the future of the Gilberts, rather than the Phosphate Commission."

There was a lack of traditional British spirit in the whole affair, Ratu Julian said.

THE FIJI TIMES — TUESDAY, JUNE 7, 1977

THE NEW YORK TIMES, SUNDAY, JULY 31, 1977

## Christmas Island

For centuries, Christmas Island lay unobtrusively, 1,200 miles south of Hawaii, notable as the largest atoll in the Pacific and as a fuel stop for island-hopping American warplanes during World War II. In 1957 and 1958 the island became the focus of world attention when Britain exploded hydrogen bombs off its shores. It re-emerged to public view in 1962 when the United States conducted atomic explosions in the vicinity.

In the 15 years since then: silence. But now, British-controlled Christmas Island appears destined to be in the news again, along with 24 smaller Pacific islands. The ownership of all is in dispute, and that dispute is headed

for settlement after more than a century, an American State Department official says.

Eighteen of the islands, including Christmas, are claimed jointly by Britain and the United States, and seven by New Zealand and the United States. A showdown over ownership is imminent because Britain is planning to let Christmas and other islands in the area vote on independence by early next year.

In London, Garth Pettitt, assistant head of the Pacific Dependent Territories Department in the British Foreign and Commonwealth Office, reports that 60-square-mile Christmas Island is inhabited by 1,000 people today, mainly Gilbert Islanders. The atoll, he says, has two airfields, produces coconuts

## Follow-Up on the News

(800 tons expected this year), houses a Japanese satellite tracking station and is engaged in the experimental cultivation of brine shrimp.

Mr. Pettitt says that if the islanders vote for independence, "we're prepared to grant it."

In Washington, William Gallagher, the State Department's country officer for New Zealand and Pacific island affairs, comments: "Neither we nor the British want to see any of these island groups pass into independence with any dispute to claims to their territo-

ry." He says the United States will open negotiations with Britain shortly, and "in the next six months we hope to have resolved the dispute."

## The price of a moonscape

**TREASURE ISLANDS:** The Trials of the Banabans, by Pearl Binder. Angus & Robertson, \$13.95.

WITHOUT the millions of tons of phosphate yielded by islands in the Pacific, Australian wheat farming, New Zealand dairying and other agricultural enterprises around the world could not have flourished as they have.

But phosphate mining produces a moonscape. The stuff is dug out from between pinnacles of limestone leaving behind a useless, pitted, stalagmite surface.

As an economic and social force, phosphate mining destroyed the traditional lifestyles of Nauru and Banaba, but in the case of Banaba it has physically destroyed the island as well. Pearl Binder's book tells the story of how this destruction came about and traces the heroic efforts of the Banabans to win fair compensation for the loss of their home.

In 1899 Albert Ellis, a New Zealander employed by the Pacific Islands Company of which his father was a director, had assayed a lump of rock which had been picked up on Nauru years before since when it had served as a doorstep.

The PI Company, chaired by Lord Stanmore, a former High Commissioner for the Western Pacific, had been formed to mine phosphate but had not prospered because of the low quality of the deposits available to it. Ellis's doorstep turned out to be pure phosphate and the countdown for Nauruan and Banaban traditional life began.

Nauru was a German possession so Stanmore's company had to use commercial guile to secure mining rights there. Banaba, however, was part of the Gilbert and Ellice Islands Protectorate, a fragment of the British Empire. Nevertheless, Ellis hurried over, raised the British flag and concluded an "agreement" with some Banabans that turned the whole of the island over to the Company for fifty pounds per annum which was spent in the company store.

Over more than 70 years British firms (the PI Company was succeeded by the British

## BOOKS IN BRIEF

Phosphate Company and later the British Phosphate Commission) have extracted millions of pounds worth of phosphate from Banaba and paid a minute amount in royalties to the Banabans.

Lord Leverhulme, a major shareholder in the BP Company, brought pressure to bear on the Colonial Office to remove impediments to the operation; officials who attempted to safeguard the islanders' rights have been removed and replaced with more complaisant men and Colonial Office employees have gone over to the companies taking valuable official information with them.

One of main thrusts of Binder's book is the revelation that Arthur Grimble, a former Resident Commissioner of the Gilbert and Ellice Islands whose book *A Pattern of Islands* was studied by a generation of Australian schoolchildren, placed his own career a long way ahead of the interests of the Banabans.

Following dislocation and severe population losses in World War II, the Banabans were removed to Rabi Island in the Fiji group which had been bought for them from Levers Pacific Plantations Ltd out of their phosphate royalties. Even if Rabi had been a suitable homeland, which it was not, the transplanting of the Banabans would not have been an easy matter.

The Banabans' claim against the Phosphate Commission for compensation has occasioned one of the longest court cases in history and enormous expense for the Banabans. At present they are offered a fund of \$10 million contributed, without conceding any liability, by the governments of Britain, Australia and New Zealand. Set against the phosphate profits it is a pitiful sum.

The only people to emerge with credit from this tale of deceit and exploitation are the Banabans and their dogged leaders.

Unfortunately Pearl Binder is not up to telling their story. The historical sections appear to be well-researched but are peppered with mis-spellings and slips. More damaging, sentimentality and imprecision pervade the book; the Banabans, properly Micronesians, are called Polynesians throughout, and the author seems unable to decide

whether Methodism has been a good or a bad thing for them.

—PETER CORRIS

## An angry cry from behind bars

**ANGEL FACE:** The Making of a Criminal, by Walter Probyn. George Allen & Unwin, \$16.25.

TO KNOW prison you have to experience the finality of a cell door slamming shut behind your back.

You have to realise the futility of hope, experience the humiliation of having to spread the cheeks of your buttocks for prison guards during a strip search, and then mentally switch-off to the kicks and baton blows as you try to breathe through the blood that flows from your nose and mouth. If you have experienced these things, then you know the world of Walter Probyn.

The British media called him "Angel Face". The British juvenile—justice system called him uncontrollable. The British courts labelled him a criminal; and threw him into the garbage cans that society call prison. The British penal system tried to break him.

Written while he was serving time in a British prison, the book traces Probyn's criminal career through the British justice-penal-parole systems and is a no-holds-barred excursion.

During 1941, in war-time London, a nine-year-old Walter Probyn was convicted of his first criminal offence — stealing a rusted can of peas from a bombed-out ruin. Though released on probation, young Probyn became rapidly embroiled in the juvenile—justice system and reappeared before the courts with increasing regularity. Sentenced to periods of incarceration within remand homes and approved schools, he absconded. On recapture, he was caned and flogged. Probyn's youth became one vicious cycle of courts, approved schools, abscondings and floggings.

In 1945, Probyn's father lay dying in hospital and requested his son's presence at the death-

\$30 million in cash and \$800,000 in jewelry with the help of several accomplices. general elections promised by the military government. *Boston globe*

On Saturday, another White Zambian, Carl Bothma, was shot and killed about seven miles west of Lusaka. *20 Feb 1979*

# Ocean Island vows to fight for freedom

Associated Press

LONDON—Inhabitants of Ocean Island, a 2-square-mile speck in the South Pacific, say they have launched a guerrilla war for independence from Britain, ruler of their phosphate-rich homeland.

The islanders, known as Banabans, fought their first battle last Thursday, attacking a British-run phosphate mine with firebombs, one day after authorities refused their demands to halt mining operations.

The British mine manager was injured in the attack and eight Banabans were arrested, including two leaders of the island's independence movement.

Islanders here to lobby British lawmakers for independence, warned that sabotage would continue until the British grant their wish.

"The whole Banaban race is fully behind the Council of Leaders and jailing will not discourage us," council chairman Rev. Tobias Tawaka told reporters Sunday night. "We will press on for our independence regardless of the consequences."

Ocean Island was annexed by Britain in the early 1900s, and made a part of its Gilbert Islands colony. The Gilberts are scheduled to become independent in July, but the Banabans want separate home-rule for their island.

They claim the island, once known as Banaba, can support itself on its phosphate exports of \$5 million a year. Copra, the dried meat of the coconut, is the only export of the other 32 islands in the Gilberts and earns less than \$1 million a year.

Britain moved most of the 3100 Banabans from their homes to Fiji in 1945 because of the mining operations. The islanders have waged a long fight in the British courts for the right to return. Tawaka said that after 10 years of patiently asking Britain for the return of their island, the islanders saw no alternative but to take action.

*Fiji Times 20/4/79*

## Banaba meeting

Gilbertese and Banaban leaders will meet in Suva later this month to talk about the Banabans' demand for independence for Ocean Island.

They would ask the Fiji Prime Minister, Ratu Sir Kamisese Mara, to chair the meeting. Rabi Council of Leaders secretary Mr Thomas Teai said yesterday.

Mr Teai has just returned from Tarawa, where he and the Rabi Council chairman the Rev Tebaiti Tawaka talked with the Chief Minister of the Gilbert Islands, Mr Ieremia Tabai.

Dates had been set for April 23 to May 4.

But the Gilbertese attitude to the Banaban agitation for independence had hardened, he said. Armed police were patrolling Ocean Island and had blocked off some of the phosphate mining areas.

*Fiji Times 10/5/79*

## COURTS REJECTS GILBERTS WRIT

A Supreme Court writ application by the Gilbert Islands Government seeking to restrain Banabans in Fiji from interfering with phosphate mining on Ocean Island has been dismissed by Mr Justice Kermode.

He said in chambers on Tuesday that the application was most unusual.

He said it would be extremely wide, seeking to restrain the whole Banaban community, the original inhabitants of Ocean Island.

The Gilbert Islands Government's concern was fully appreciated, Mr Justice Kermode said.

It was public knowledge that a large party of Banabans from Rabi Island in Fiji recently landed on Ocean Island.

But there was nothing before him to indicate that the plaintiff had not got the situation under control, he said.

Meanwhile, new talks between the Banabans and Gilbert Islands Governments on the future of Ocean Island are being arranged for next week.

Gilberts Chief Minister, Mr Eremia Tebaiti, said yesterday he hoped the talks would begin within a few days.

He has been in Fiji to negotiate a friendship treaty with the United States, which will give the Gilberts sovereignty over 14 islands in the Phoenix and Line groups when it becomes independent.

The US previously claimed the islands and had installations on some of them for refuelling ships and tracking satellites.

*Fiji Times 5/5/79*

## Banabans want inquiry HURT BANABAN FLOWN TO SUVA

Banaban delegation yesterday presented a protest letter to the British Commission in Suva demanding an independent inquiry into incidents on Ocean Island.

The letter repeated the protest that Ocean Island is now an armed camp.

The letter referred to 20-year-old Banaban Biara, now lying in the Colonial Memorial Hospital in Suva with

severe head injuries and maintained this was caused by a police tear gas shell.

It attacked British Phosphate Commission manager on Ocean Island, Mr Ronald Elliott, who said the wound was caused by a rock.

The medical superintendent at the CWM, Dr Champak Rathod, said Biara was now conscious and able to speak a little. It was too early to say whether he had suffered a permanent brain damage.

A Banaban man who suffered a serious head injury on Ocean Island earlier this week was flown to Suva last night for emergency hospital treatment.

An unconfirmed report said the man, a Rabi Islander, had been hit in the head with a tear gas shell.

He was taken to Nauru by boat and flown to Nausori airport on a stretcher aboard a scheduled Air Nauru flight.

An ambulance rushed him from the airport to the Colonial Memorial hospital. *Fiji Times 21/4/79*

# VIOLENCE ON OCEAN ISLAND

A Rabi Islander who was flown to Suva from Nauru for emergency hospital treatment on Friday night was improving satisfactorily at the Colonial War Memorial Hospital yesterday, Medical Superintendent Doctor Champak Rathod said.

The man, Tabare Biara, 20, suffered a serious head injury after he was hit on the head with a teargas shell on Ocean Island (Banaba).

Tabare's father, Biara Kabiriara, who accompanied him from Ocean Island to Suva, told the Fiji Times that Tabare was still lying unconscious in hospital.

Mr Biara said that Tabare went to an island night party on Saturday, April 7.

A fight started between the Banaban and Gilbertese boys in the party and the police were called in.

Mr Biara said that his son left the dancehall about 10pm to return home and he was followed by five Gilbertese policemen.

He said people living nearby saw one of the men hit Tibare with a teargas shell from behind.

He said while he was lying unconscious on the ground the other men hit him with their batons and left him lying there.

Mr Biara said the people who saw the incident rang the hospital and an ambulance was sent to pick up Tabare.

He said his son was taken to Nauru on a British Phosphate Commission boat and flown to Nausori airport on a stretcher aboard a scheduled Air Nauru flight.

He said Tabare was his youngest son in his family of three children.

His eldest son, Purenimone Biara, is one of the many Banaban people taken to prison in Tarawa, he said.

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PERTH. — The Australian Prime Minister, Mr Malcolm Fraser, told the Liberal Council yesterday that he was prepared to review the question of compensation for the Banabans.

He said he believed that a \$10 million offer by the British, Australian and New Zealand governments was both fair and realistic, but added: "However, I am prepared to review the current position and see where it stands at the moment."

The offer by the three governments was to settle a moral obligation because of devastation to Ocean Island by phosphate mining in the past 80 years.

Police attacked my son, says Banaban

## HURT BANABAN FLOWN TO SUVA

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An ambulance rushed him from the airport to the Colonial War Memorial hospital.

# GILBERTS BILL RE-LISTED FOR DEBATE

LONDON. — The Gilbert Islands (Kiribati) Independence Bill has been re-listed for discussion by the new British Parliament, the Foreign Office said.

However it is too early to say whether the Bill will be passed in time for the planned in-

dependence celebration on July 12, a spokesman said.

Introduced to the House of Commons in the last days of the Labour Government, the

Independence Bill fell without discussion.

Party Whips meeting after the no-confidence vote agreed it was too controversial to be voted upon before the House rose for the general election.

The new Parliament has its state opening next Tuesday and campaigners against the Bill believe it will come up again in the following week.

Buckingham Palace confirmed yesterday it was planned that Princess Anne would attend the independence celebrations on the assumption that the bill will be passed.

AAP

## Banabans want inquiry

A Banaban delegation yesterday delivered a protest letter to the British High Commission in Suva demanding a full and independent inquiry into incidents on Ocean Island.

The letter repeated the protest that Banaba is now an armed camp.

It referred to 20-year-old Banaban Tabare Biara, now lying in the Colonial War Memorial Hospital in Suva with

severe head injuries and maintained this was caused by a police teargas shell.

It attacked British Phosphate Commission manager on Ocean Island, Mr Ronald Elliott, who said the wound was caused by a rock.

The medical superintendent at the CWM, Dr Champak Rathod, said Biara was now conscious and able to speak a little. It was too early to say whether he had suffered a permanent brain damage.

# Tories 'may split' on Banabans

Fiji Times 15/5/79

The Ocean Island dispute threatened to cause a major row within Britain's new Conservative Party Government, the secretary of the Justice for Banabans Campaign, George Knapp, said in Suva yesterday.

Mr Knapp said a powerful parliamentary lobby was determined to prevent Ocean Island being forced into an independent Gilberts state against the will of the Banabans.

The pro-Banaban group included representatives of all parties and was led by Conservative backbencher Sir Bernard Braine, he said.

The Gilberts are due to come independent on July 12.

"The big question is whether Tories will respond to all-party pressure in Parliament to pull Ocean Island out of the Gilberts before that day," Mr Knapp said.

The alternative was to face a major row at the outset

of their administration between the leadership and a resolute band of Conservative backbenchers.

Mr Knapp said the Banabans had sympathisers in the new Conservative cabinet, including the Attorney-General, Sir Michael Havers, and Sir Keith Joseph.

Minister of State Leon Brittan was also a leading supporter.

The Banabans had as many as 100 supporters among the Conservatives.

Many would, with reluctance, toe the party line, but quite a number would, without doubt, rebel, Mr Knapp said.

Although the South Pacific problem of the Banabans could be thought a distant and minor one, both the new Prime

Minister, Mrs Margaret Thatcher, and her chief whip, had expressed considerable concern of even a tiny split in Tory ranks.

Mr Knapp said Mrs Thatcher could probably see a stormy time ahead for her Government, when the party would need to present a united front.

Full party unity and high Tory morale, which was essential at this time, could be impaired by a bitter row within ranks on even such a small issue as the self-determination of Banabans on Ocean Island, he said.

Mr Knapp is in Suva to join a Banaban delegation for talks beginning today with Gilbertese ministers under the chairmanship of the Fiji Prime Minister, Ratu Sir Kamisese Mara.

### Kapaiwai runs aground

The Government vessel Kapaiwai went aground on a reef near Moturiki Island in the Lomaiviti group on Friday afternoon.

And Mr Charles Stinson's boat Molly Dean helped tow her to Suva on Sunday.

The vessel is now on the Government Slip in Walu Bay, and will be undergoing minor repairs this week.

The Marine Department was unable to give more details yesterday.



*in Henry*

Suva,  
Fiji.

Herewith the next selection of cuttings from the Fiji Times about Banaban affairs. I fear that I have no time to write, commenting upon them. I might remark, however, that an additional Banaban crowd of 150 landed on Ocean Island yesterday ex m.v. "Cenpac Rounder". I am surprised that the Gilbert Islands Government allowed it without the most stringent conditions. Another 150 are due to go on the next voyage of the same vessel! Soon the whole population of Rabi will be on Ocean Island! Instead of violence, I should have thought that the sensible thing for the Banabans to do would be to take a leaf out of Mahatma Gandhi's book and stage a complete campaign of non-violence; after all they could not imprison 2000 Banabans. Nor indeed can they if the latter use violence either, though the Banabans might lose much sympathy which they would not do by a non-violent campaign.

In very great haste; love to Honor; what about the photographs - Lester G. is pressing me!

*W. A. Rice*

**Will Fiji be forced to take a stronger stand on the Banaban issue?**

Fiji is in a very difficult position. We are trying to help them. Mr Evan Luard of the British Foreign Office has come here to discuss with me and with the Gilberts and Banaban leaders what steps to take.

becoming an) associate state of Fiji. I had indicated to Rabi people their being in the Gilberts or out was a question entirely between them and the Gilbertese. But once they have succeeded in getting themselves out, there will be no problem about having Ocean Island as an associate state.

As for the question of (Ocean Island

*Fiji Times 8/3/70*

Fiji Times 8/3/79

# Not fair to make us choose — Ratu Mara

Fiji will not take a role in the Ocean Island row in which it would have to choose between the Banabans and the Gilbertese.

The Prime Minister, Ratu Sir Kamisese Mara, said yesterday he made this clear to a British official in reply to a suggestion that Fiji might protect Banaban rights if it was agreed that Ocean Island should remain part of the Gilbert Islands.

He told the House of Representatives that since the Banabans had been excluded from constitutional talks on their island's political future: "The Government of Fiji therefore fully understands and sympathises with the Banabans in the decision they have now taken."

Pressing for the island's separation from Gilbertese rule, the Banabans have made petrol bomb attacks on mining gear at Ocean Island and rejected all British proposals not fully meeting their wishes.

The British Under Secretary for Foreign and Commonwealth Affairs, Mr Evan Luard, saw the Prime Minister late on Tuesday to discuss the dispute after visiting the Banabans at Rabi Island earlier in the day.

Reporting on the meeting in a ministerial statement, the Prime Minister said Mr Luard had made it clear that the Banabans wanted the island

separated from the Gilberts and nothing else.

But Britain opposed separation because it was against the wishes of the Gilbertese people.

The Prime Minister said he replied that the situation put Fiji "in a very difficult position."

"I told Mr Luard that we could not remain insensitive to what the Banabans feel strongly to be just and fair," he said.

But Fiji did not want to be put in a position of choosing between the Banabans and Gilbertese.

Britain had full responsibility for the island's constitutional future, the Prime Minister said.

It was "quite unfair" of Britain to ask for Fiji's help when it had ignored a 1975 meeting at which he had got the Banabans and Gilbertese to agree to talks.

But the talks, which should have also involved Britain, Australia and New Zealand,

had not taken place and the Banabans were kept out of direct participation in later conferences on independence for the Gilberts.

The best thing Britain could do now was to get the Banabans and Gilbertese talking again in the hope that they could agree.

The Prime Minister added: "Finally, I did volunteer a statement that the relations between the Banabans and the

Gilbert Island people will probably change by this time next year when phosphate mining on Ocean Island ceases and the Gilbert Islands Government has no further interest in Ocean Island or Banabans."

Meanwhile, Fiji Council of Trade Unions leaders are seeking a total ban on all shipping to Ocean Island and the Gilbert Islands in support of the Banaban independence cause.

MEMBER of Parliament Mr Fred Caine says he will "do penance" for the sins of the British with a fast in the Sigatoka sandhills.

Mr Caine, an Alliance backbencher who was with Banaban leaders on the trip that led to last month's petrol bombing on Ocean Island announced his plan at Rabi on Tuesday.

He said on March 16 when the next House of Lords session began in London he would go into the sandhills of Sigatoka with a Bible and no food or water.

He would remain there for the length of the sitting, he said.

Mr Caine said it would be a "penance for the sins of the British" in the Ocean Island dispute.

He said Mr Bhutto had not set whole case...

Fiji Times 12/3/79



and what was the criteria used for such allocation?

(5) How did it develop that so many students were given the pre-requisites for residential scholarship but no room?

(6) What is the role of the dean of students in these matters and did the dean exercise these functions and to what effect?

(7) What is the role of an apparent post-holder called The Director of Community Services in these matters and did he exercise these functions and to what effect?

(8) Are there a number of buildings on the campus either idle or under-used which could have been used for short-term housing of students?

(9) Could the officials of the University get together quickly and seek ways to end the crisis promptly? Was not the University aware that students were attending lectures while they had no place to stay?

(10) Is it true that some Fiji students from Suva-Nausori area have faked addresses and acquired residential accommodation?

(11) Is it true that some students have been given accommodation on the basis of...

Thursday. Elsewhere men tried women as they had done on disperse the Western-dressed the air in at least two places to Islamic militiamen fired in and pro-Islamic elements fearful female demonstrators

would like to put forward a few sound truths concerning the two races.

First, and foremost, we're two different people.

Ocean Island or Banaba as we call it was first discovered in 1801 but the first reasonably detailed account of her inhabitants was not given until 1851. Evidence showed that her population was not Gilbertese, but described as "small bodied, squat, crinldy-haired and dark skinned." If any Gilbertese can qualify for the description then I would like to have the honour of meeting him/her.

Geographically, Banaba is about 3 miles long, 2½ miles wide and 6 miles in circumference. It is completely surrounded by a coral shelf and rises to a height at the centre of 280 feet. It also lies 250 miles to the west of the Gilberts.

May I point out to the smart ladies that 250 miles is definitely a very long distance. So how can they claim that Ocean Island is an uninhabited island of the Gilberts?

Apart from that, we Banabans are not ancestors of the so-called banishes thugs from the Gilberts. With the ad...

TEHERAN. — A leading figure in Iran's Islamic revolution has made an attempt to calm the fears of women who see demands that they dress in...

one of administrative convenience, arising from the discovery of the valuable mineral deposits and not because Banaba was an uninhabited island of the Gilberts.

As for our language, I admit we speak Gilbertese because the Banaban language is dying out. That doesn't mean we haven't a language of our own. Look up your Gilbertese dictionary for the meaning of the words "Nani, manana or "Nanmauge". Otherwise ask your great-grandparents or grandparents and I can assure you that they'll inform you that the two words are Banaban words.

There are other differences in our traditions also also, e.g. in a Gilbertese wedding the bride follows the groom whereas in the Banaban it's the other way round.

Dig into the Banaban and Gilbertese history, find out more about their problems and their grievances and I can assure you that you will then have a better and broader understanding of the subject.

The Banabans had ever formed a part of the Gilbert Island whether geographically, politically or through social cohesion. She was in fact incorporated as part of the Gilberts solely by an unilateral decision on the part of the British Government in 1900, subsequent to and consequent on the discovery of incurative deposits of phosphate on the island.

MISS MIRIWA TAKOTI ROTAN, Adi Cakobau School, Sawani.

WOMEN'S PROTESTS CONTINUE IN



# RABI

# A tropical paradise in search of a ticket to prosperity

by  
**SEONA MARTIN**

Rabi is one of your actual tropical paradise islands.

Arriving aircraft zoom in over a white, palm-studded beach and land on a coral sand, grass-tufted airstrip which shoots up the side of a hill.

Intrepid pilots say it is okay, as long as you remember to land uphill and take off pointing down.

It is a five-mile minibus ride around a Taveuni-type wasteline and over some scary spots of what could be a reasonable road with a bit of metal on top, to reach the Rabi "Government buildings" administration centre at Likiep.

The Press party which went to Rabi to cover discussions between Banaban leaders and British Under-Secretary for Foreign and Commonwealth Affairs Mr Evan Luard accomplished the ride safely and relatively smoothly.

Mr Luard was less lucky. The chairman of the Rabi Council of Leaders, the Rev Tebaiti Tawaka, declined to meet him at the airport as a demonstration of how the Banabans feel about Britain these days. But he did not plan the flat tyre which kept Mr Luard sitting at the airstrip until the driver could run around, find another tyre and change the wheel. Most of the vehicles sport a blank licence plate where number plates and vehicle registrations should be.

## RABI LAWS

"Isn't it illegal?" the Press asked. "On Rabi, we are the law," a Banaban explained. "We even have a bus driving around with one side missing." But there are Rabi laws and a 40-member Banaban police force to enforce them, with a resident magistrate to sentence law-breakers to extra-mural terms. There are plans for a gaol, but it has not yet been built. There are some large, solid churches, a sewer, and a hospital which is busy with mothers and babies. Rabi has one of the highest birthrates in Fiji and there is little interest in family planning. This attitude is possibly a product of isolationism, the desire to produce more Banabans to claim their Ocean Island mainland. Whatever the rights and wrongs of the issue, feelings certainly run high and run deep through the entire Banaban community. They want Ocean Island to be independent and they want their phosphate money. It is easy to point a derogatory finger at the Banabans and question what they have done with the significant amounts of money which they have already obtained from phosphate royalties. They have schools, hospital, churches and well-built, concrete homes; an airstrip and the financial ability to charter aircraft; a road and vehicles to go on it. But a closer look shows building and road-maintenance equipment standing



THE British delegation at the meeting on Rabi, from left, Mr Peter Bacon of the British High Commission, the High Commissioner, Viscount Dunrossil; Under-Secretary for Foreign and Commonwealth Affairs, Mr Evan Luard, and his secretary, Mr John Dugart.

Young Banabans have grown up with the ability to buy food, rather than grow it, and are handier with the can opener than the caneknife.

The land is good, but people sit down to meals of tinned vegetables and fruits and meat brought from other islands.

"We had some cattle, but there was no expert to run a beef scheme," a Banaban leader said.

There are fish in the island's beautiful, clear waters, but the men who retain the old, highly-developed Banaban fishing skills apparently prefer to sell their catch in Taveuni than to bring it home.

They paddle their frail-looking outrigger canoes across to Taveuni in the late afternoon, and then back again late at night without fear or mishap.

They are perhaps safer out there than on the road.

## FRIGHTENED

Bouncing along, a Banaban recounted a tale about the driver, who had driven a tractor off the road some time before.

"There were lots of people hurt, all lying around crying and moaning," he said.

"The driver was so frightened he ran off, found his work supervisor and told him there had been a terrible accident.

"While the supervisor was running around trying to get help and find out where the accident was, this fellow ran back or lay down among the injured."

This sort of Rabi Island life is a long way from the conference rooms and courts of London, but the Banaban people do understand what is going on and what they want.

It was amply demonstrated to Mr Luard this week while he sat sweating on a mat in the community hall.

When he reiterated arguments which

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"could run around, find another change the wheel. If the vehicles sport a blank ere number plates and vehicle ns should be."

## RABI LAWS

illegal?" the Press asked. "No, we are the law," a Banaban man have a bus driving around the island missing. "There are Rabi laws and a 40-man police force to enforce them. I am a resident magistrate to sentence breakers to extra-mural terms. I have plans for a gaol, but it has not been built. There are some large, solid churches, and a hospital which is busy with patients and babies."

One of the highest birthrates there is little interest in family

It is possibly a product of the desire to produce more children to claim their Ocean Island

the rights and wrongs of the land certainly run high and run through the entire Banaban community

On Ocean Island to be independent and they want their phosphate

to point a derogatory finger at the government and question what they wish with the significant amounts which they have already obtained from phosphate royalties.

There are schools, hospital, churches, concrete homes; an airstrip and the ability to charter aircraft and vehicles to go on it.

The aerial view shows building and transport equipment standing in rows. Tractors parked in front of the weeks on end, vehicles in the process of repair and projects left unfinished, often because of lack of technical know-how. The biggest investments that have been made have begun turning

The saddest of all is the absence of any agricultural activity on Rabi.

and are handier with the can opener than the caneknife.

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This sort of Rabi Island life is a long way from the conference rooms and courts of London, but the Banaban people do understand what is going on and what they want.

It was amply demonstrated to Mr Luard this week while he sat sweating on a mat in the community hall.

When he reiterated arguments which the Banabans had heard so often before, made promises they did not want and warned them of the possibility of arrest, even the control of the keepers of the peace snapped.

A Rabi policeman in his pale, blue uniform suddenly stood up and hurled his black arm band at Mr Luard.

It was symbolic of the frustration the Banaban people are beginning to express.

# SANYO

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Fiji Times 12/2/79



### LETTERS TO THE EDITOR

## Banaban independence

Sir, — It is historically unfortunate that the Banabans have found themselves living on Rabi Island instead of Banaba. Historical records shared by both historians and the Banabans show that it was on their own accord that they (the Banabans) chose to live on Rabi rather than Banaba.

It is also historically unfortunate that they have not been in a position to support their claim that they are of a different language from the Gilbertese except to quote one or two examples of Banaban words.

Rabi is an Island which used to be Fijian land but was bought by the Banabans for about 30,000 pounds not long after BPC took over mining from Pacific Phosphate Commission.

As a people the Banabans, by virtue of their Fiji citizenship, are politically independent of Kiribati (the new name for Gilberts). What they now want apparently, is separation and independence for Banaba, their ancestral homeland where they can live, die and be buried without having to be bothered by Kiribati government.

I personally would be in favour of the Banabans taking their island out of Kiribati constitutional boundaries, if and

only if they could prove beyond doubt that:

a. They gave up their landowning titles on other islands of Kiribati.

b. They could achieve political separation and independence of Rabi island from the Fiji government: or

c. They could hand Rabi island back to Fiji if the Fijian landowners claimed it back. Ideally speaking, the most feasible solution is to physically drag Banaba out of Kiribati and tie it next to Rabi island. With the help of some sophisticated technology yet to be invented, I am sure this will not be a very distant solution.

T. KATA,  
USP, Suva.

~~Salty butter~~  
It's about time the

~~quality of butter was improved so that it becomes more palatable. It is very salty. I urge the manufacturer to produce a non-salty butter.~~  
MOHAMMED KHAN,  
Nasinu 9 1/2 miles.

## Caine and Banabans

Sir, — I understand as a committee member of the General Electors' Association, Lautoka branch, that the Hon. Fred Caine did not represent the GEA during his trip to Ocean Island.

Mr Caine is the secretary of the Building Workers' Union and the secretary for the Fiji Council of Trade Unions.

Before Mr Caine took up his new post, the union had

pledged to support the Banabans. So Mr Caine had to do his duty as a union official.

I hope the next person who writes to you about the Caine-Banaba issue uses his brains and doesn't talk rubbish.  
CARL GIBLIN,  
Lautoka.

Fiji Times 14/3/79

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### EDITORIAL COMMENT

## Fiji, Banaba and the Gilberts ...

FIJI is being drawn into a situation in which it could find itself at odds with its regional neighbours over the political future of Ocean Island.

As the Ocean Island row flares, more and more Fiji organisations and individuals are becoming involved in anti-British and anti-Gilbertese acts.

The Fiji Government has not been exactly vociferous in denouncing the recent petrol bombings on Ocean Island.

And now Mr Apisai Tora and Mr Fred Caine, of the Fiji Council of Trade Unions, are off to Australia to ask unions there to "black ban" the Gilberts. Earlier, the FCTU had adopted a resolution at a trade union seminar at Lautoka attended by several overseas unionists to seek the support of foreign unions in this campaign.

Not so very long ago our own Government was denouncing efforts by Australian and New Zealand trade unions to involve themselves in dock and civil aviation strikes as outrageous interference in Fiji's internal affairs.

Are we now to hail the efforts of Mr Tora and Caine?

Chief Minister Ieremia Tabai, of the Gilberts, in comments published by the Fiji Times yesterday, questioned the right of Fiji unions to meddle in the Ocean Island issue.

He also referred to "foreign allies" of the Banabans — Fiji, we suppose — and remarked that his country did not want a Fiji colony on its doorstep.

His comments do not bode well for future relations with the Gilberts and possibly other Pacific countries.

## CHIEF MINISTER OF GILBERTS HITS AT FIJI UNIONS

The Chief Minister of the Gilbert Islands, Mr Ieremia Tabai, says he hopes his country does not get a Fiji colony on its door-step.

Fiji trade unions had no right to meddle in an internal affair concerning the Banabans and Gilbertese, he said in Tarawa after the Ocean Island (Banaba) petrol bomb attacks last month for which some Banabans from Fiji are now facing criminal charges.

Mr Ieremia's remarks were reported by the Atoll Pioneer, the weekly official Gilbertese newspaper.

He said his people were puzzled by the attitude of the Banabans and "worst still, their foreign allies that work with them."

"The whole matter is purely an internal affair concerning the Banabans and the Gilbertese," he said.

"The Fiji unions have no right to meddle in these matters."

"We are all working hard to end colonialism. Let us hope that we do not get a Fiji colony on our door-step," he said.

The Banabans and their advisers have intensified their campaign for the separation

of Ocean Island from the Gilberts by threats and violence, including threats to interfere with the passage through the British House of Commons of a bill to give the Gilberts independence in July, he said.

"Our approach to independence is not threatened, but marred by recent incidents at Banaba."

Before the year was out Banaba would be finished, as phosphate mining ended, and would "just become bare rocks."

"Surely the Banabans would not want to live there in preference to Rabi," the Chief Minister said.

"But if they wish to, who stops them?"

"It would not be the Gilbertese Government."

Banaban leaders had never replied to invitation to meetings at which his Government wanted to discuss Ocean Island, Mr Tabai said.

"If the Banabans do not know it, the Gilbertese are always ready to receive them with open arms and minds," he said.

"Why do they not come to the conference table and work out an acceptable solution to all these problems with their Gilbertese brothers?"

Fiji Times 13/3/79

# British MPs say Banaban case was mishandled

LONDON. — A number of British Members of Parliament yesterday accused the Labour Government of mishandling the plea of the Banaban people for their ancestral homeland, Ocean Island, to remain a separate British colony.

One politician, Sir Bernard Braine (Conservative), warned ministers in the House of Commons there would be conflict and bloodshed if they pushed ahead with the plan to include the island, (Banaba), in a new independent Gilbert Islands state later this year.

Foreign office under-secretary Evan Luard, who has just returned to Britain from talks in the Pacific on the long-standing dispute, said the British Government was conscious of the anxiety of the Banabans and wanted to

reach the right solution.

He said it was a difficult problem for the Gilberts were against the separation of Banaba from the group. He assured the lower house various alternatives and compromises had been explored, and promised a later statement after the Government had considered his report on his recent talks.

On the dangers of violence, Mr Luard said he met representatives of the Banabans in Rabi and Tarawa a few days ago and expressed the hope that an expedition of 150 Banabans which was then shortly to leave for Banaba would conduct itself in the island in an orderly way.

"While all Banabans have a right to enter Banaba whenever they wish provided their intentions are peaceful, I pointed out that further acts of violence would only alienate sympathy for their cause among their many well-wishers in Britain and elsewhere," he added.

During the Parliamentary exchanges, a leading Conservative spokesman on Commonwealth Affairs, Richard Luce, said it was more important to get a peaceful solution than a rapid solution.

Joan Lester (Labour) urged the Government to delay its independence legislation for the Gilbert Islands to meet the wishes of the Banabans.

The Banabans, who number between 2000 and 3000, were removed from Ocean Island to Rabi, 8000km away in the Fiji group, 30 years ago while the island's phosphate resources were exploited.

# Banaban battle

Sir, — Kale Lanyon and Josephine Copeland's letter March 6 deserves a reply.

Lanyon and Copeland, Gilbertese kids of yesterday only, know nothing about the history of Ocean Island, according to their letter. They should have studied our history carefully or got their facts right before misleading the public.

We Banabans welcome and accept facts that would help solve our problem but have no time for such tomfoolery. I condemn Lanyon and Copeland's so-called "true facts" as fake.

Let me now clarify to

*Not absolute*  
f-----  
X & X

Lanyon and Copeland the true facts regarding our language and culture. We had a language of our own. It gradually disappeared as a result of inter-marriage between the Gilbertese and Banabans, also from the teaching of Gilbertese language by the Gilbertese teachers and missionaries who worked on Ocean Island.

As for our culture, of course ours still exists and in no way does it imitate the Gilbertese culture. It is entirely different in every way. Lanyon and Copeland's grandparents are fully aware of this.

We are proud of our gentlemen who are gaoled on Tarawa. It is true they deserved their treat but they have volunteered to fight and face death. That's what we call "patriotism."

Lanyon and Copeland's Government and people are still opposing our separation, claiming we are 'brothers and sisters' and that our separation would hurt them.

The fact they are already shying away from is that our separation will hurt them financially. If Ocean Island is granted separation, the Gilbertese will be like jelly fishes drifting with the tides.

One most important Gilbertese custom is that one would rather die than to steal or beg on his knees. Now Lanyon and Copeland's people have forgotten this custom, all for the love of our money.

They already have \$80 million reserved funds in their bank. That's what we Banabans state as "dirty money."

Let me quote my favourite Bible scripture: "Give to Caesar and to God the things that are God's." In the same way the Gilbertese should give to the Banabans the thing that is theirs — their homeland, Ocean Island. —

TERIKANO TAAKE  
Fiji Institute of Technology  
Suva.

# LETTERS TO THE EDITOR

education courses. But surely the careers section of the Ministry must realise that an interview rating is a very lame excuse for the Ministry to say that an intelligent student has scored poorly in an interview. The Ministry could make use of aptitude tests to help in selection.

It is a strange situation when we find that a student who has passed all the subjects in UE, with very high marks has not been selected, but a student who has repeated New Zealand School Certificate Examination for at least three years has been selected.

By using figures, how can the Ministry improve the quality of teaching?

Does selection depend on "not what you know, but who you know"?

FIROJ ALI,  
Ba.

# Banaban problems

Sir, — I am writing because I'm so concerned about the Banaban case which has been exploiting our newspapers.

Who wants to know about their business with the Gilbertese?

I suggest if they want to settle this matter, why don't they all take-off to Ocean Island and talk it over there since they're both fighting over it, or whatever they're fighting over.

I'm sure we don't get anything out of it. I am sure Fijians and other races aren't interested in this case, so why should they exploit our local papers about their trash.

I for one am quite fed up with the headlines about "Banabans this and Banabans that" everytime I pick up the paper. I am sure we have enough troubles to cope with amongst us. If it's possible why don't they make their own pamphlets and put their views in them and distribute them only to those who are interested, rather than taking up space in the local papers —

space which could've been used for other interesting articles which concern us.

JOANA S KOTOBALAVU  
Adi Cakobau School  
Suva.

*Fiji Times 15/3/79  
Hear!! Hear!!*

# Banaban's 'ammo' seized in raid

BAIRIKI, Gilbert Islands. — Police made an arms raid on villages at Ocean Island and found what they were looking for — scores of marbles.

According to a radio report received here yesterday from the phosphate-rich island, the marbles were being kept by dissident Banaban villagers as ammunition for sling-shots.

The Banabans are seeking autonomy for Ocean Island — otherwise known as Banaba — separate from the Gilbert Islands, which are due to achieve their independence from Britain on July 12.

Another 150 Banabans

"reinforcements" were expected to land on Ocean Island yesterday from the Nauruan freighter Cenpac Rounder, after a week-long voyage from Fiji.

Sources here said about 100 police reinforcements were still on Ocean Island, where they have had to deal in the last few weeks with petrol bomb attacks on equipment used by the British phosphate commissioners.

Fifteen Banabans have appeared in court on charges of intimidation and unlawful assembly, and have been released on \$500 bail. Another 40 are due to appear in court next Monday.

# Banabans out on bail

Fifteen Banabans arrested after a bomb-throwing incident on Ocean Island (Banaba) last month had been allowed bail, the chief registrar of the Gilbert Islands High Court, Mr Reete Boaki, said in Tarawa yesterday.

The Banabans were arrested on Ocean Island, transported to Tarawa and kept in custody for about three weeks.

Yesterday they were allowed out of prison on bail of \$500 each, the chief registrar said.

They were due to appear in court on Monday.

The chief registrar said the men were staying with relatives in Tarawa.

The Banabans are charged with intimidation and unlawful assembly.

*Fiji Times 15/3/79*

*Sofia Times 17/3/79*

# Banababan move rejected by Lords

Britain's House of Lords has defeated a move to separate Ocean Island from the Gilberts to independence later this year.

But a telex message to Suva from Banababan sources

in London yesterday said this was only after the first division seeking to exclude part of a colonial territory since Britain began dismantling its colonial empire after World War II.

And the "real battle" is now shaping in the House of Commons, according to the message.

Lord Brockway, a veteran anti-colonialist, moved an amendment to separate Banaba from the new Kiribati state, saying he was convinced it should be returned to the Banababans.

Sixteen Lords voted for the amendment and the Government side, led by Minister of State for the

Foreign and Commonwealth Office Lord Goronwy-Roberts, had to muster support to get 92 votes against, the message said.

Lady Elles, a Conservative Opposition front-bench spokesman, said her party would not advise its members to vote either for or against the amendment.

The chairman of the Justice for the Banababans campaign, Sir Bernard Braine, said later: "This has clearly shaken Government ministers.

"The real battle will now be in the House of Commons, where we have a very strong and well-informed all-

party support for Banaba self-determination."

The joint secretaries of the campaign said more than 200 Members of the House of Commons had so far pledged their support for the Banababans.



TREATY OF FRIENDSHIP BETWEEN THE UNITED STATES OF  
AMERICA AND THE REPUBLIC OF KIRIBATI

The Government of the United States of America and  
the Government of Kiribati:

Desirous of maintaining the bonds of peace  
and friendship traditionally existing between the  
people of the United States and the people of  
Kiribati;

Acknowledging that the United States has  
hitherto claimed sovereignty over the islands of  
Canton (Kanton), Enderbury, Hull (Orona), Birnie,  
Gardner (Nikumaroro), Phoenix (Rawaki),  
Sydney (Manra), McKean, Christmas (Kiritimati),  
Caroline, Starbuck, Malden, Flint and Vostok;

Conscious of their mutual interest in a  
stable and peaceful Pacific;

have agreed as follows:

### Article 1

The Government of the United States recognizes the sovereignty of Kiribati over the islands of Kiribati named in the preamble as a part of the territory of the sovereign Republic of Kiribati.

### Article 2

The two Governments, in the spirit of friendship existing between them, shall consult together on matters of mutual concern and interest in time of need, and, in particular, to promote social and economic development, peace, and security in the Pacific region. Any military use by third parties of the islands named in the preamble shall be the subject of such consultations.

### Article 3

Any future use by the Government of the United States of facilities constructed by it on Canton (Kanton), Enderbury, and Hull (Orona) shall be in accordance with agreements to be negotiated

between the two Governments. The Government of Kiribati agrees that these facilities shall not be made available to third parties for military purposes except with the agreement of the Government of the United States.

#### Article 4

The two Governments recognize the interest of their peoples in close cooperation for their mutual benefit in economic development relating to fisheries off their coasts. The two Governments agree to consult directly, and/or through appropriate regional organizations to which both are parties, regarding matters relating to the conservation, management, and utilization of fisheries of mutual interest. They agree also to encourage and facilitate cooperative arrangements and fishing ventures of mutual interest and benefit. For the purpose of entering into such arrangements the two Governments shall promote discussions between their nationals and appropriate governmental entities.

Article 5

The Governments of the United States and Kiribati will use their best efforts to encourage cooperation between the two countries in protecting the unique natural and cultural resources of Kiribati, and, for their mutual benefit, to encourage and facilitate scientific research activities and cultural exchanges.

Article 6

The Governments of the United States and Kiribati agree to encourage joint utilization of facilities constructed by the United States on Canton (Kanton) for the mutual benefit of their nationals and/or appropriate governmental entities.

Article 7

(a) This Treaty shall be subject to ratification by the parties and shall enter into force on the date of the exchange of instruments of ratification.

(b) This Treaty shall remain in force for ten years and shall thereafter be subject to termination by either party upon six months notice; provided, however, that Article 1 of this Treaty shall not be subject to termination.

Done in duplicate, in the English and Kiribati languages of which the English shall be the authentic text, at Tarawa, this                      day of July 1979.

For the Government  
of the United States

For the Government  
of Kiribati

AGREED MINUTE

In the spirit of the Treaty of Friendship signed today by the Government of the United States and the Government of Kiribati, and in particular Article 4, the Government of Kiribati assures the Government of the United States that application by United States flag vessels or vessels supplying canneries in American Samoa for licenses to fish within Kiribati fishery limits will be sympathetically considered without discrimination and without regard to fishing method.

• Conservation measures of the Government of Kiribati would have to be observed.

The Government of Kiribati further advises the Government of the United States that it is the current policy of the Government of Kiribati not to grant exclusive licenses.



# Atoll Pioneer

No 4 15 February, 1979

10c

QUALITY  
HANDICRAFTS  
From the  
HANDICRAFT  
STORE  
P.O. BOX 488  
SETIO TARAWA  
EXPORT  
ORDERS ACCEPTED

## KIRIBATI: A New Name, A New Nation

### CONSTITUTIONAL DEVELOPMENT IN THE GILBERTS HAS BEEN SLOW-CM

The Chief Minister, the Hon. Ieremia Tabai in his opening address during the Constitutional Conference at Marlborough House late last year, declared that our Constitutional development was slower than other British dependencies. He said:

My Lord Chairman, Your Lordship, Your Excellencies, Ladies and Gentlemen,

On behalf of the Gilbert Islands delegation, I thank you for your very warm welcome. We are

pleased to be here and look forward to this conference which we hope and indeed expected to pave the way for the independence of our country.

cont'd on p2

THE WORLD is about to give birth to the newest nation with a new name: KIRIBATI (Pron: KIRI-BAS) It is not an original name, in fact it is a Gilbertese word derived from its original English version - GILBERT.

The new nation, Kiribati, comprising of the Gilbert Islands including Banaba, the Phoenix Islands and the Line Islands, will become independent from Britain to be a sovereign republic on Thursday 12 July 1979.

The Map of KIRIBATI in relation to other Pacific Islands. Kiribati consists of the Gilbert Islands, the Phoenix Islands and the Line Islands.

### Cabinet Up to 11 Members

The Independence Constitution provides for a Cabinet comprising of up to eleven members.

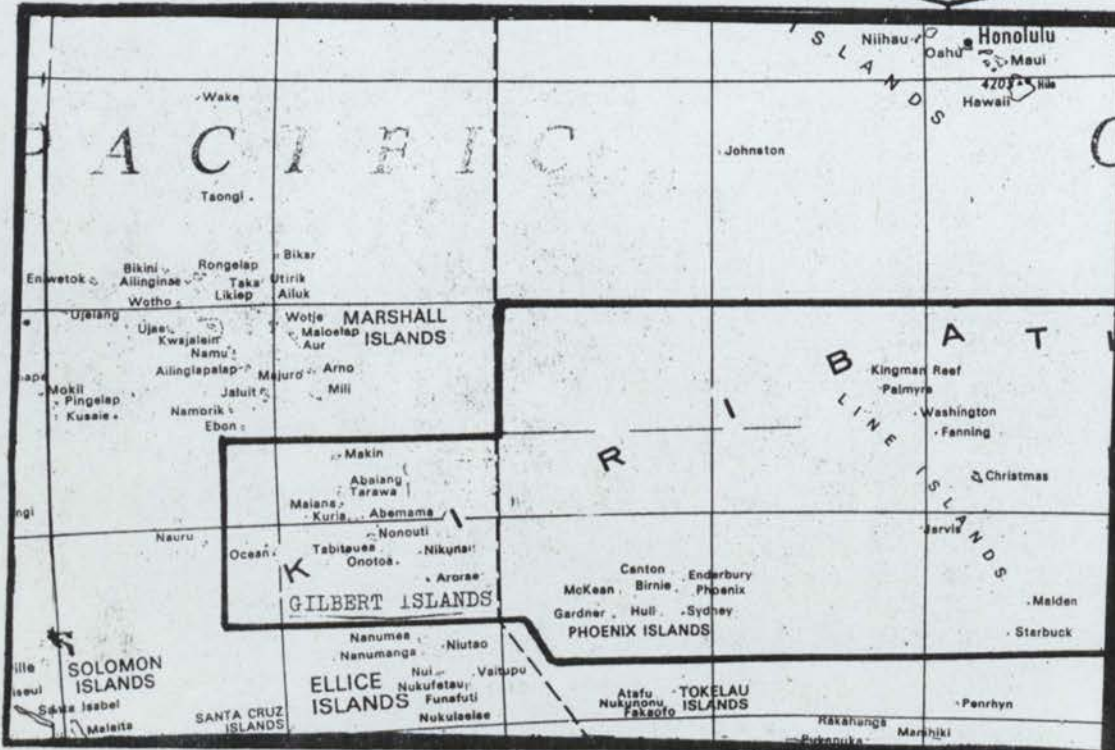
The executive authority of Kiribati shall be vested in this Cabinet which shall be collectively responsible to the Maneaba ni Maungatabu (House of Assembly) for the direction and control of the executive government.

The Cabinet shall consist of the Beretitenti (Pro: Seresitence) (President), who shall preside over the meetings of Cabinet, the Kauoman-ni-Beretitenti (Vice-President), not more than eight other Ministers and the Attorney-General.

#### THE LEGISLATURE

There shall be a legislature for Kiribati called Maneaba ni Maungatabu. The Maneaba shall consist of a single chamber.

Subject to the provisions for a Banabans Representative, the Maneaba shall be composed initially of 35 elected members elected from 23 electoral districts provided that if the Beretitenti represents a single member electoral district there shall be 36 elected members. The Attorney-General, if he is not already an elected member shall be a member ex-officio.





# Constitutional Development in the Gilberts has been Slow

(Cont'd From P1)

Mr Chairman, constitutional development in the Gilbert Islands has been slow in comparison with many other British dependencies. It was not until 1967 that Gilbertese were elected, rather than appointed, to a House of Representatives and only in 1974, when ministerial government was introduced, did the people, through their democratically elected representatives, have any real say in the Government of their country. This I hasten to add is no reflection on the British Government who has shown in recent years a ready willingness to grant independence to its colonies. Rather was it that in a country of scattered islands and poor communications political awareness and aspirations were slower to develop. But our aspirations did develop and with the election of a Government of people in 1974 our thoughts inevitably began to turn to the eventual achievement of independence.

Even since 1974 progress to independence has been slower than many people expected. There were a number of reasons for this.

Firstly, there was the wish of the Ellice Islanders to separate and form their own country. We were sorry to see our

friends of long standing leave us but recognising that they are a different people with a different language, culture and tradition we freely gave our consent to their separating from us. However the arrangements for separation took time and it was not until the formal creation of Tuvalu in October 1975 that we were again able to devote our attention to our own constitutional progress.

Secondly in our society the wishes of the people are paramount. Thus it is essential that the people be fully consulted before constitutional changes are made, to

ensure that those changes have their support. It was therefore not until April 1976 following the publication of a White Paper setting out the Government's proposals that the House of Assembly was in a position to resolve that the British Government be asked to convene a constitutional conference to arrange for the next step in the Gilbert Islands constitutional progress.

This was the move to full internal self-government. The conference was held in June 1976 and full internal self-government was achieved on 1 January 1977.

It was made clear at the internal self-government constitution conference that the grant of internal self-government was a prelude to independence. The need to consult the people therefore became even more important. In April 1977 a constitutional convention was held on Tarawa and was attended by representatives from all the Gilbert Islands and from all walks of life. This convention not only confirmed the wish of the people to move forward to independence but also provided their views on the form of consti-

(Cont'd on P4)

## All in One Spirit



Three thousand strong kneeling in prayer thanking the Lord for a wonderful new leader in the person of Bishop Paul Mea.

## News in Brief

A SPOKESMAN from the Ministry of Natural Resources Development said that a sixty-ton freezer has now been installed at Betio by the Japanese engineers. The freezer will be ready to store all the catch from Nei Manganibuka.

OVERSEAS quests Clergymen to the ordination of Bishop Meea left Tarawa this morning by Air Tunga-ru to Abemama. A spokesman from the Catholic Headquarters at Teoraereke said this morning the clergymen would be touring the Catechist Training Headquarters at Manoku Abemama. They returned to Tarawa this afternoon.

A COUNCIL election was held at Abaiang on Wednesday February 7 for Tanimaiaki/Tebanga/Tabontebike ward, Tabwiroa/Tuarabu and Takarano Ubanteman wards. Mr. Kai-aua Namaunga was re-elected for the Tanimaiaki Tebanga and Tabontebike ward with 59 votes, Riatae Kaei won the Tabwiroa Tuarabu ward with 20 votes and Birirake Taie won the Takarano Ubanteman ward with 38 votes.

AN AGRICULTURAL Officer, Mr. Bruce Ratieta is expected to leave Tarawa on Friday 16th February to the United Kingdom. Mr. Ratieta is to undertake a 6

month Course in Nutrient Film Technique of growing vegetable. Mr. Ratieta's Course is being sponsored by the United Kingdom Government.

A YOUTH, Nei Teretia Ioane appeared in the Magistrate Court at Betio on Wednesday charged with careless driving, driving an unlicensed motorcycle, driving without a driving licence and giving a false information to a police constable.

She was found guilty of all these charges and was fined sum of \$62.

Nei Teretia was told to pay her fine within two months time and in default three months imprisonment.

THE MINISTER for Works and Public Utilities, the Hon. Ieremia Tata left Tarawa today by Air Nauru to Manila in the Phillipines. The Minister will attend the Seminar on International Federation of Consulting Engineers which will be started from 19th to 21st February.

The Minister will also have the opportunity to meet representatives from the Wilton and Bell and the Asian Development Bank on matters relating to the Betio/Bairiki Causeway. Mr. Ian Greinger, the Civil Engineer in the Ministry will accompany the Minister to the Seminar.

# BATTLE OF THE STRINGS

Sorry I was not  
here last week

RADIO TARAWA WILL  
ORGANISE A MUSICAL  
COMPETITION  
ON TARAWA  
FOR ALL STRING BANDS

## 3 Prizes to win!!

1st- \$100

2nd- \$75

3rd- \$50

## Three categories

- Instrumental: 2 numbers - all new
- Musical (Vocal accompanied by instruments): 2 numbers - all new
- Popularisation of old local numbers. May or may not be accompanied by instruments. 6 numbers.

All songs must be  
in Gilbertese

ENTER NOW. RING 356 OR 268

## Ten numbers to play!!

# Australia Turns to Solar Powered Communications System

MELBOURNE, AUSTRALIA  
A major telecommunications system, powered entirely by solar energy, began in Australia this month.

Electricity generated by the sun is powering 13 repeater stations in the arid zones of central Australia, bringing television, telephones and telex facilities to the inland population centres.

Shortly before the opening of the solar system, Australia announced plans to build a second solar-powered communications hook-up -- this one in the remote Australian islands of the Torres Strait which separates Australia from Papua New Guinea.

Telecom Australia, the Government statutory organisation which runs Australia's telephone and communications system, says that it is now possible for people living in small cattle and tourist centre of Alice Springs --- almost exactly in the geographical centre of the 7 682 300 km<sup>2</sup> (300,000 square miles) Australian continent -

to dial direct to any nation with which Australia has direct dial arrangements.

The opening of the the solar-powered link follows three years' research and development on the concept, plus two years work in placing the 13 repeater stations on location in the hot, arid and sparsely populated region.

The system operates between Alice Springs and Tennant Creek 500 km (300 miles) to the north and follows the exact route of the original Overland Telegraph line. This single-wire telegraph line which traversed 3200 km (2000 miles) of Australia from north to south and provided the first cable link between Europe and Australia, was completed in 1872.

Each of the new solar repeating stations comprises three parts, a 76-m (250-foot) high radio mast supporting the antenna, a small building housing radio equipment, and the solar module.

The solar module is a standard 6 x

(Continued on P7)

# Constitutional Development in the Gilbert has been Slow

(Cont'd From P2)

Constitutional Convention were referred to a Select Committee of the House Assembly for further consideration. The Select Committee in turn made recommendations for translating the wishes of the convention into an acceptable form and their report was again adopted by the House of Assembly. Not content with this, my Government, following its election to office early in 1978, ensured that the recommendations of the Constitutional Convention and of the Select Committee, and our own expanded proposals were again given the widest possible publicity and my Ministers and I visited as many islands as practicable to explain them to the people. We found that there was overwhelming support for independence and that our proposals for the independence constitution were generally acceptable. In August this year, the proposals, subject to minor amendment, were unanimously adopted by the House of Assembly and a resolution was passed to request the British Government to convene a constitutional conference with a view to granting indepen-

dence to the Gilbert Islands.

So, Mr Chairman, we are here today to implement the wishes of our people. We have a clear mandate to seek independence for the Gilbert Islands within its present boundaries, and within the framework of the constitutional proposals, of which you are aware. We appreciate that there are still issues to be decided, but we are sure that given the will and understanding, these can be satisfactorily resolved. We also know that we have a difficult task ahead of us in building a nation from our scattered islands, but we intend to pursue this task with vigour and determination, and with Britain's help and co-operation, we are confident we shall succeed.

Finally, may I say that we do not see independence for the Gilbert Islands as severing our close ties with Britain. The people of the Gilbert Islands have been friends of Britain for many years and we hope that this friendship will continue and strengthen in the years to come.

# Letters

## "Interesting Facts"

Dear Sir,

I should be grateful if you will allow me to correct the "interesting facts" concerning this firm contained in the letter from Andrew Buretaka and published in your issue of 25th January.

The branch office was opened in January, 1978 and has operated throughout from the same office/house on Betio. In addition to myself, five UK staff were employed by the branch for periods of up to eight month during 1978.

This firm did not act as receiver to a "defunct" GIDA. I was requested by Government to act as liquidator (quite a different role from that of a receiver) after Mr. P.W. Reardon left the Gilbert Islands last August. At that stage GIDA was not defunct and had been trading through it's Marine Division (now Shipping Corporation) and the Mobil Agency.

There is nothing extraordinary in the fact that, at GIDA's request, we assisted in the recruitment of chartered accountants for them, as any large firm of accountants do, including the two firms he mentions. After all, who better to interview accountants than a firm of chartered accountants, who know not only the local conditions

cont'd on p6

## SPOT VIEWS

This week's question:

# Should motorcyclists be compelled to use Safety helmets



"It should be made compulsory... regardless of the price involved." (mechanic)



"It is vital to wear helmets at all times in order to avoid the increasing number of road deaths in the Gilberts." (electrician)



"Wearing a helmet is a wise thing to do, but it should not be made compulsory unless there is subsidy provided towards the cost." (Accounts clerk)



"Strict usage of helmets will certainly reduce unexpected accidents." (clerical officer)



"I have had several motorcycle accidents in the past. The injuries I received were mostly around the head. If I had used a helmet, I wouldn't have suffered head injuries. The idea should be enforced." (draftsman)



"I think it should be an optional matter. The people should not be compelled to use helmets. They have their own rights to choose between life and death." (typist, Personnel Division)

# "Nothing We can do to stop Excessive Beer Drinking"

ALCOHOLISM has been growing in African states. In Kenya, food stores, butcheries, playgrounds, even churches have been converted into what is known in business parlance as "bar boarding and lodging".

A church leader recently said in despair: "There is nothing we can do to stop excessive beer drinking. The Government gives out licences without consulting people whether they want those bars and beer-halls or not."

Kenya is a free enterprise country. So you can choose what business line you want to follow and the business that has attracted large numbers of entrepreneurs, small or big, is the beer trade.

In a small market place in any remote corner of Kenya with, say, at least ten building, half could be selling beer and at the same time running short-time love-making rooms at the back of a grocery business.

But the heads of government in East Africa have shown they are determined to lead a sober people and reduce, if not eliminate, alcoholism from the system.

The latest campaign has been launched by Kenya's new President Daniel arap Moi, who is a devout Christian and a teetotaler.

Moi has ordered liquor licensing courts to ask local people whether they think licensing an extra beer hall business will retard development and encourage prostitution.

It is the first time since independence 15 years ago that officials have been told to consult the people about business licences.

Policy on alcoholism has never been clear-cut, though Moi and other individuals persistently campaigned against it when he was No.2 to President Kenyatta.

Moi's campaign now seems to be working well. The administration has so far turned down more than 1,000 applications for liquor trading and a beer hall has had to be turned into a classroom.

Beer prices in Kenya are still the cheapest in the world, but consumption is nothing compared with many other countries such as Zambia, which leads in beer drinking on

(Cont'd P7)

## Letters

cont'd from p5

here but the exact requirements for the job and the type of personality the job requires?

We do not "impose" fees. Fees are based purely and simply, on the amount of time required to complete a particular assignment, related to the rate for the staff members concerned. The amount of fees we have rendered for particular jobs, where our appointment has been by the Director of Audit, are fully disclosed by him to the members of the House of Assembly

There was an agreement in broad terms between Government and this firm but only covering the mechanics of opening a branch here and the sort of work we would be required to perform.

The reputation of a firm of accountants depends on the professional services performed satisfactorily that it affords its clients and is not measured by size. Indeed, both the firms he compares us with would be highly amused to hear that they were in some way "more reputable" than Hays Allan.

Had Andrew Buretake approached us before he committed himself to paper he would have learnt that, after our first year's experience here, we are now able to look very closely at the question of recruiting and training Gilbert-

ese staff here and that we are looking forward to our involvement in teaching Gilbertese on the forthcoming Accounting Technicians course.

Yours faithfully,

G.A.C. Vaughan  
Branch Manager.

## "Dropouts"

Dear Sir,

We must not let go anything that we read unchallenged. On behalf of my colleagues who really put an effort in their studies apart from confusions that may have occurred due to isolations of customs and traditions.

I feel that I should clarify the word "dropouts" that appeared in your last issues.

The word "dropout" applies to the student who somehow during the course simply dropped out. He no longer attends lectures, do assignments, etc. or show indications of giving up because he can not cope with the course.

If you still can continue and managed to pass the "course works" then the word does not apply in this case.

Consequently on behalf of my colleagues who have now remained behind I urge you not to be discouraged but to strive. I know that some of you have done their best. The same applies to those who find the social environment not suitable.

It sometimes takes alot to adapt - realising that we are all from different backgrounds.

Good luck to your immediate future and mine of course.

Yours sincerely,  
NAUNTA TETO.A.

# ANGRY DEBATE LURKS IN HOUSE OF COMMONS OVER GILBERT ISLANDS INDEPENDENCE BILL

By Barry Wilson in London

AN ANGRY debate is threatened in the British House of Commons over the Bill to grant independence to one of Britain's last and smallest colonies - the Gilbert Islands, a group of 16 Atolls in the Pacific with a popu-

lation of 55,000.

The row centres on a tiny island near the group, Banaba or Ocean Island. The Banabans do not want to be part of the Gilberts.

Ocean Island, which has an area of

cont; on page 9

## Solar Powered Communications System.

(CONT'D FROM P4)

2.4 x 2.6m (20 x 8 x 8½ feet) shipping container with three solar panels, two measuring 3 x 1.4m (10 x 4½ feet) and one measuring 1.5 x 0.7m (5 x 2¼ feet) mounted on the roof.

Power generated by the three panels is stored in 33 lead acid batteries having a total capacity of 1500 ampere-hours.

Telecom believes the combination of solar power with low energy-use equipment

makes a significant contribution to the extension of communications facilities in the outback of Australia.

Telecom has pursued development of solar power system for more than six year, starting with the design and installation of solar power supplies for less than a 20-watt load. There are now more than 40 of those powering small capacity telephone services in isolated outback areas.

(AIS)

## 'Nothing We can do to stop Excessive Beer Drinking'

(Cont'd From P6)

the African continent.

Kenya Breweries Limited say each Eenyman adult consumes at least 100 bottles of beer a year - 175 million litres. A litre costs one US dollar.

Few can afford a beer daily at the quoted market price; they would rather go for non-hygienically tested prepared drinks like Busaa and Muratina and illicit gin, popularly known in Kenya as Changaa.

Consumption is high for these brews because they are cheap. For half a dollar a group of three could well go singing...

Licences are given for Busaa and Muratina but most dealers prefer to deal in it illegally. Dealers were often victims of police raids until recently when the harsh Attorney-General Charles Njonjo ruled that consumption of the "gin" is not an offence but distilling it is.

Changaa is maize-meal and sorghum, fermented and mixed with brown sugar to taste, cooked in tightly covered drums and steam trapped through a tube into a jar. It rivals imported spirits in the local market.

Changaa is mostly processed and distilled by socially and economically downtrodden families in the rural and urban

areas of Kenya.

The adults supervising the distillery are too clever for the police traps. Children under ten years man the drums while the owners watch from a distance. Juveniles cannot be arrested for distilling changaa.

Moi's campaign against alcoholism is in line with another campaign he launched against corruption. Some crimes are plotted in drinking places.

Corrupt public servants are suspected of obtaining kick-backs in bars to award tenders and poor performance in examinations have also been blamed on teachers who leave coats hanging in classrooms to help themselves to glasses of all kinds of brews in the neighbourhood.

Moi is not alone in his campaign against alcoholism in East Africa. President Nyerere of Tanzania and President Kaunda of Zambia have also shown that they are determined to rid their systems of drunks.

Nyerere has persistently warned that he will not tolerate drunk public servants and some caught drunk in their offices have lost their jobs. Musicians have made records against alcoholism in support of Nyerere's call.

# ANGRY DEBATE OVER GILBERTS INDEPENDENCE BILL

cont; from page 7

only 2.3 square miles, has now been rendered almost uninhabitable by years of phosphate mining.

It used to be home for the Banabans who were reckoned to number close to 3,000 when first contacts were made by Europeans early last century. Today there are about 2,500 of them but almost all of them live 1,400 miles away on their own island in the Fijian group.

But now the Banabans want full independence for their spiritual home on Ocean Island, and they have plenty of money and apparently lots of allies in the British Parliament.

By general consent the Banabans, at least in the early years, had a very raw deal from the British, in what amounts to one of Britain's nastier little colonial episodes. They now want justice, more money, and full independence.

The "final" British constitutional proposals for the Gilbert Islands, published recently, reject the Banaban claim for independence but offer them special constitutional rights and guarantees within the new independent territory of the Gilbert Islands (due for independence in July).

The Banabans have already made it clear that such an arrangement is unacceptable to them. This acrimonious fight will reach a climax in the next few weeks.

Ocean Island was discovered by Britain

in 1804. The island was incorporated as a British protectorate, for administrative convenience, as part of the Gilbert and Ellice Islands in 1892. At this time the population had declined to less than 500 - mainly due to "blackbirding" (slavery). Defenders of Britain's role on the island say that the island was acquired, at least in part, to protect the islanders from further deprivations by the slave shippers. The Banabans believe the British interest was mainly in the massive phosphate deposit.

This island, like nearby Nauru, is (or rather was) almost entirely covered with guano, phosphate-rich bird droppings accumulated over centuries. In 1900 the Pacific Islands Company persuaded two Banaban leaders to place their marks on a document ceding to the company sole rights to Banaba phosphates for no less than 999 years for the payment of £50 per annum.

Cheap supplies of phosphate from the guano islands has played a major part in the transformation of agriculture in the Antipodes. At its peak in the 1960s Banaba was supplying over half a million tons of phosphate a year to Australia and New Zealand.

It was in the 1930s that full exploitation of Banaba phosphate started, following the appointment of the British Phosphate

Commissioners by the Governments of Britain, Australia and New Zealand.

The Resident Commissioner of the Gilbert and Ellice Islands Colony (at the time), Arthur Grimble, was delegated by the Phosphate Commissioners to negotiate acquisition of the land on Ocean Island for the mining company.

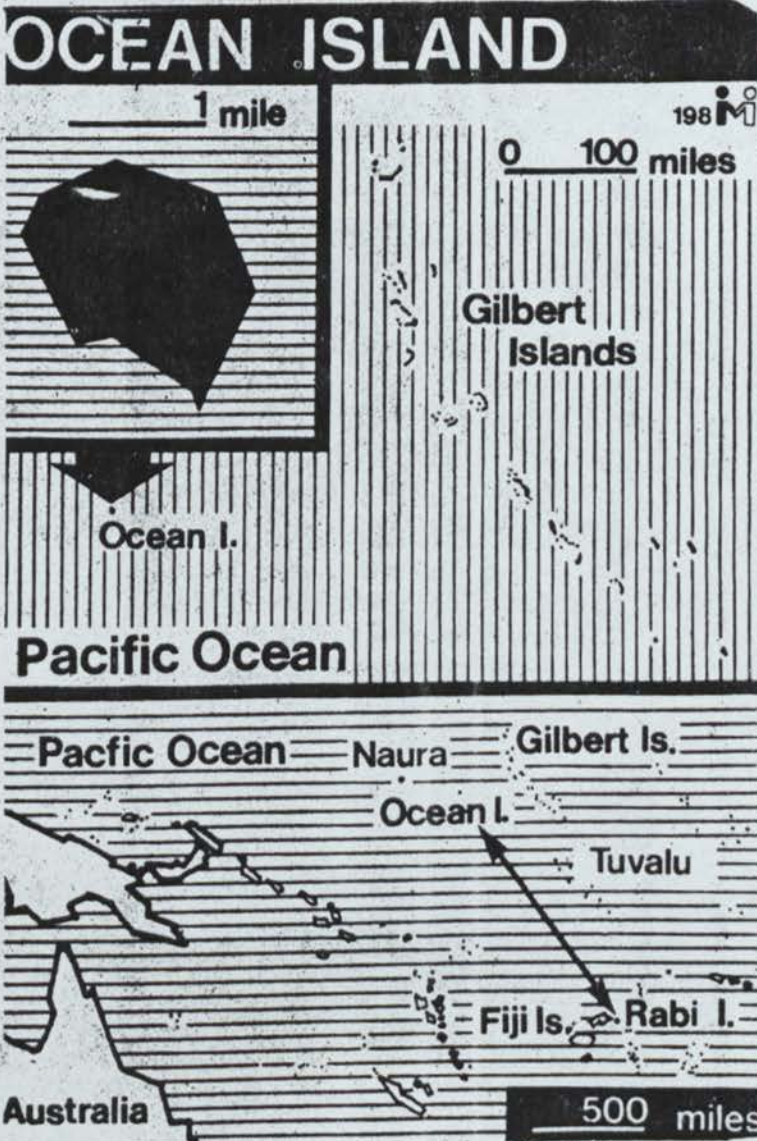
Then the unthinkable happened: the Banabans said "no".

This resulted in what has now become known as the the notorious "Buakonikai letter" which Grimble

wrote to the Banaban villagers. In the letter he threatened the villagers of "this frightening day which is pressing upon you when you must choose LIFE or DEATH". He said that if agreement was not reached, the land would be compulsorily acquired "for the Empire".....

He went on: "If everyone signs the agreement no one will be punished for shaming the Important Chief. If the agree-

cont; on page 12



# MOMENT OF TRUTH

Pictures by  
Iaram & Rubetake



Lining up before the procession to the dais where the new Bishop will be ordained.



Seated are the Archbishops, Bishops and a Cardinal during the ordination ceremony.



Ascending the stairs to the stage. Cardinal Pio Taufinu'u followed by the Bishop of Tarawa, Bishop Guichet.



Knees down. The whole congregation knelt down when the scriptures were read.



Ordained Bishop Mea taking the oath of his new office.



Cardinal Pio Taufinu'u, Diocese of Samoa, addressing the multitude gathered on the day giving his praises to God and congratulating the people for all their efforts.



"Here I am, Lord, your new shepherd to lead your flock," said the new bishop, Bishop Paul Mea.

THOUSANDS of people flocked and filled to capacity an area of only a few hundred acres of land at Teoraereke to witness the most historical event of Gilbert Islands. It was the ordination of the 1st Gilbertese priest to become Bishop.

People came from all over the Gilbert Islands, including Nauru and other nearby islands in the Pacific.

Saturday was the day set aside for the important occasion.

And people began pouring in to Tarawa weeks ahead of time. Hundreds travel by the normal and special chartered flights of Air Nauru, and the domestic air service of Air Tungaru.

Thousands came by bus and on foot. And others arrived by boat.

At 3 in the afternoon the sportsfield at Teoraereke and areas around it was packed with people and vehicles.

The ceremony commenced at half past 3 with band music provided by the Butaritari Brass Band.

Invited Archbishops, Bishops and a Cardinal from overseas then marched on to a Stage specially built for the occasion.

The ordination mass followed and then the full procession in which invited guests from overseas participated.

The whole ceremony was broadcast live by Radio Tarawa.

The afternoon programme was mainly entertainments which continued till Sunday afternoon.



# ANGRY DEBATE OVER GILBERTS INDEPENDENCE

cont from page 9

ment is not signed consideration will have to be given to punishing the Banabans. The destruction of Buakonikai village must also be considered....."

The Banabans persisted in their resistance to the terms (10½d per ton royalty and £1.50 an acre), and thereby reinforced the British view of them as trouble-making nuisances who should, ideally, be removed from the islands as soon as possible. The BPC compulsorily purchased the land in 1931.

As mining proceeded so the island became increasingly uninhabitable. In 1940 the Banabans themselves proposed moving to a new hope with the purchase of Wakayo Island in the Fiji group, but the plan never came to anything.

In March 1942 the Island of Rabi (pronounced "Rambi"), near the second biggest Fijian Island of Vanua Levu, was bought for £22,000. Rabi is 10 times the area of Ocean Island. In August 1942 the British abandoned the island to the Japanese who quickly transported most of the islanders as slave labour to other parts of the Pacific

area.

In 1945 all but one of the remaining 150 Banabans on the island were shot by the Japanese. Later that year the 1,000 surviving Banabans were gathered in the Gilbert Islands group, when the British told them that because of war damage it was impossible for them to return to Banaba.

They were advised to go to Rabi on the understanding that their full sovereign rights on Banaba would be protected and that within two years they would have the option of returning to Ocean Island.

The Banabans claim they were forced to go to Rabi to get them out of the way and that within weeks of their "enforced transportation" the BPC were recruiting hundreds of Gilbertese to work in the mines.

Be that as it may, it cannot be denied that two years later, in 1947, the British organised a secret ballot of the Banabans on Rabi which resulted in a vote of 270-48 against returning to Ocean Island.

Since then, apart from an organised token presence on Banaba, the Banabans have more or less ignored the offer to return to their homeland.

In 1975 the long festering controversy finally came to court when the Banabans sued the British Government and the Phosphate Commissioners for political recognition and financial compensation.

The cases were heard in the High Court in London, and judgement was given in December 1976.

The case against the BPC was won, but a paltry £9,000 was awarded. The case against the British Government was lost, but the judge Sir Robert Megarry, made some scathing remarks which reverberated still.

He said: "There is no difficulty in appreciating the deep-seated feelings of grivance that the Banabans have." However, he added, "I am powerless to give the plaintiffs any relief in these matters. .... But I think a judge ought to direct attention to what he considers to be a wrong that he cannot right, and leave it to the Crown to do what is considered proper."

On the very same day that this crucial judgment was being given, the Foreign Office was briefing journalists about the "impressive degree and attention" given by the British to the Banabans over the years.

There is no doubt that the "severance" compensation later offered by the British, Australian and New Zealand Governments was vastly increased after the "embarrassing" remarks by the judge. In all, the Banabans have now been offered (Australian) \$10 million as an ex-gratia payment plus

\$1.25 million from the BPC plus interest on the \$10 million, now amounting to about \$1 million plus £1 million from the British Government for development of Rabi - amounting altogether to about £8.2 million, a sum which the Banabans, after some arguments, have now more or less accepted.

Since the 1920 agreement the Banabans have received a total of about £11 million in royalties.

Total revenue from the phosphate mining on Ocean Island since 1900 is now estimated at about £62 million. On top of this the Banabans claim an extra £18 million as the value of subsidy between 1920 and 1968 during which period phosphate from the island was sold to Australia and New Zealand at well below world prices.

Taking inflation into account the Banabans claim that the phosphate mined from Ocean Island has been worth, at present prices, about £170 million.

British conciliators have been impressed with the sincere feeling the Banabans do not seem interested even in investigating the possibility of going back to live there in numbers after the mining company has departed.

The main difficulty now is that the Gilbertese have made it clear that Ocean Island must be part of the new independent state of the Gilbert Islands. A referendum in the Gilberts over the fate of Banaba has been proposed by Britain: but as the voting was to include all the inhabitants of the Gilbert Islands it was, not surprisingly, rejected by the Banabans.

Now the British have said enough is enough: the argument must come to an end. Ocean Island must be part of the Gilberts, with special constitutional and land rights on Ocean Island to be given to the Banabans. So the Banabans are now preparing for their last ditch fight - and the setting will be the British House of Commons.

# A moral Duty towards the Poor

(Cont'd From P14)

of distant peoples and will start collections to buy clothes, fish-meal protein biscuits or machinery for communities they will meet on the next bus journey.

At present the information centre is organising the sale of 20,000 jute bags made by 155 young Bangladeshi seamstresses. "Action Bag", as the campaign is called, aims to keep these girls in work.

Dammann's arguments for self-denial are often attacked. Sceptics assume that a new life style means vegetarianism or teetotalism, and add that only those who can afford luxury boats or mink-coats can just as readily reject them.

A newspaper editor even demanded that "if Dammann wants to exist in a cave, let him share it with himself."

One Oslo couple, however, explained how they effortlessly adapted to a "new life style". "It didn't mean that we drank only carrot juice and went around in a toga and sandals. Rather, we became more conscious of things.

"We planned our domestic budget better and bought only necessities, seeking out used articles, and always the durable before the fashionable.

"We cut down our television viewing and spent more time reading, listening to music, visiting friends ... or simply day-dreaming.

"We took more interest in political economic and social developments, trying to see the relationship between those at home and their consequences for Third World nations."

FIVH members say there is no patent formula for a new life style: each person must shape it himself.

Meanwhile, an English version of "The Future in Our Hands" will be published in June. Norway's FIVH already has sister-organizations in Denmark, Sweden, the US and Australia. It anticipates a wider international response to its aims when the book is available

## Pick of the Week

The Loveliest girls are  
always in  
the Pioneer

Pioneer Photo: Iaram Tabureka



Kiribati Girls, beautiful aren't they? Left is Miss Riarawa while standing right is Miss Mereta. Both these lovely chicks are from the Census Office.

MAKE IT  
—  
YOUR  
—  
HABIT  
—  
TO READ  
—  
THE  
—  
PIONEER

# KIRIBATI LIFE-STYLE !



WEAVING MATS IS WOMEN'S WORK



CUTTING PALMS EVERY MORNING AND EVENING IS THE MEN'S RESPONSIBILITY.

## News in Brief

THE MINISTER for Finance, the Hon. Tiwau Awira, and the Minister for Natural Resource Development, the Hon. Taomati Iuta, are now on Banaba on the first leg of their Ministerial tour.

A spokesman from the Chief Minister's Office said the Ministers would be explaining to the people there the new constitution during independence.

The second leg of the Ministerial tour will be made next to the Northern Gilberts, but the date is yet to be finalised.

The Ministers are due back in Tarawa tomorrow.

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SHORTAGE of flour, rice and sugar has been experienced on Tamana Is. according to Pioneer Reporter, Mr. Batiri T. Bataua, who is at present on the island.

He said on the phone yesterday that the M.V. Temauri brought in some cargo of rice, flour and rice last week, but flour ran out again the same day.

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A WORK-BOAT belonging to M.V. Temauri capsized off Tamana Is. while it was trying to get to the shore. Aboard the work-boat were several private belongings, and other things including boxes containing stationeries for the Community High School on the island.

Everything aboard was lost at sea.

The incident occurred on February 8 this month, and reports said this was due to very rough seas near the island. There was no report of casualties.

## TARAWA TIDE TABLE

		HIGH TIDE	LOW TIDE
Thu 15	Feb 0608	1.5 0006	0.4
		.817 1.6 1212	0.4
Fri 16	" 0635	1.4 0032	0.4
		1846 1.4 1241	0.5
Sat 17	" 0707	1.4 0059	0.5
		1920 1.4 1317	0.6
Sun 18	" 0750	1.4 0134	0.6
		2011 1.3 1403	0.6
Mon 19	" 0845	1.3 0223	0.6
		2120 1.2 1512	0.7
Tue 20	" 1008	1.3 0338	0.7
		2301 1.2 1655	0.7
Wed 21	" 1146	1.4 0518	0.7
		- - 1828	0.4

### LUNAR DATA

Last Quarter: 1317 20th Feb.

### DUTY SEARCHMASTER

14-20 FEB CAPT. HOERNICKE.

## GOLF NEWS

### QANTAS CUP.

This week saw the opening matches of the Qantas Cup, which is an 18 hole, matchplay knockout. Some of the result:-

Tom Davies v Wood.  
Tom won this match on the seventeenth hole, but was never in any real danger. Neither player excelled and Tom deserved his victory.

Ieuan Batten v Terry Davies. This was a good, well played match. Ieuan produced better golf than he has for some time and although Terry played well, Ieuan managed a victory, 2 & 1. Of the other matches played, Mike Burgess was unlucky to lose, having been 2 up with three to play. A bunker shot on the last hole cost Mike the match. Brian Heeley goes into the next round after Gordon Clarke conceded.

### COMING EVENTS:

Saturday 17th February, Qantas Cup & Stableford.



## TANINGA NI KAUONGO

I am from Audience Research, Radio Tarawa, and would like to ask you a few questions.

A.R: What is your favourite programme?  
Listener: Programme?  
A.R: Such as, "My Word," "It's YOUR Co-op."

Listener: It's certainly not MY Co-op.....its the shopkeepers's They get all the benefit, I don't.

A: That's the Bank of New South Wales.  
B: Where's the Bank of Old North?  
A: In Sydney.

Overheard at the Otintaaai Hotel:

He: We must come back on Thursday 12 July.  
She: Why?  
He: To re-establish our having been here.  
She: How do you mean?  
He: Well, this Hotel won't be in the Gilbert Islands then.  
She: Where are they moving it to?  
He: Kiribati.

Guide to Visitors:  
This half-moon building used to be the Post Office, its now a temporary Immigration Office.  
We were ambitious and wanted a better and more presentable Post Office--this was it...this magnificent building here. You see, our ambitious does not only look ahead. It looks backward too and we wanted to have a museum. This is it depicting different ways of weaving in brass.  
I am not sure where the Post Office is now.

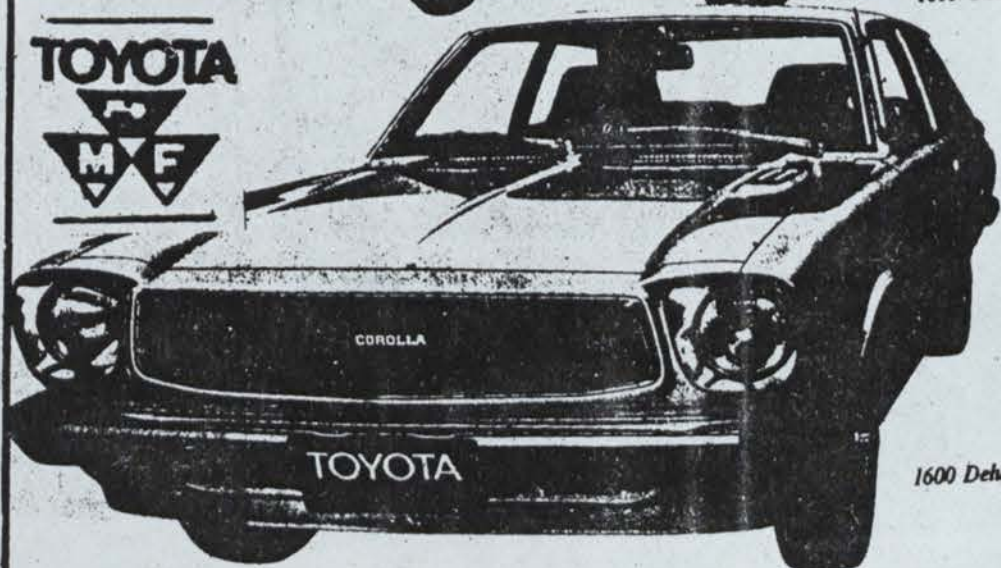
## TARAWA MOTORS

### Stylish, Sporty Hatchback Featuring Multi-purpose Utility

What makes the Corolla Lift Back exceptional is its large rear door. Plus its big functionally designed luggage space. Giving you a utility area you can use with maximum efficiency. And the separate fold-down type rear seats (optional on 1200 Deluxe) make the car even more practical because you can arrange the space efficiently according to your needs without wasting any of it. Helping to make this car a real standout, along with its exciting sporty styling.



1600 GSL



1600 Deluxe

# Atoll Pioneer

No. 5 22 February 1979

10c

QUALITY  
HANDICRAFTS  
From the  
HANDICRAFT  
STORE  
P.O. BOX 488  
BETIO TARAWA  
EXPORT  
ORDERS ACCEPTED

## Banaban Aggressiveness Will not Affect Independence for Kiribati

INDEPENDENCE FOR Kiribati was believed to be the cause of angry debates in the House of Commons when the Bill to legalise her Independence was moved.

Those in anger were supporters of the Banabans who believed that the Banabans have been given a raw deal by Britain.

"But this will not affect our achieving independence from Britain on July 12", said a confident Chief Minister, the Hon Ieremia Tabai, at a Press Conference yesterday.

He claimed that at the Constitutional Conference held last December in London, those who accepted that Banaba should remain part of Kiribati were Government officials and members of the Labour Government who formed the majority.

"They have signed the agreement," said the CM, "and will honour that undertaking. I have no second thoughts."

Asked if recent events at Banaba will affect independence. Mr. Tabai said, "I am not sure how successful they will be but all I can say is that its bad publicity for them." (the Chief Minister was referring to the Banabans)

"Even in Fiji, it was reported in the Fiji Times that it was a bad move."

It was reported also that their supporters in UK have frowned on the recent events at Banaba.

An official or rather a President of a Trade Union in Fiji was reported to have written to the Manager of the BPC at Banaba claiming that they are fully backing the Banaban cause and threatened to use every means in their power to see that the Banabans wish is achieved.

"I am not saying the Fiji Unions will be successful," said the Chief Minister, "but our own Union here, I am happy to say, have said they

supported us for the simple reason that this is a matter for the Banabans and the Gilbertese Government. Nothing to do with the Union.

"We, on our part, will do everything we possibly can to ensure that our people's wishes are fulfilled."

What, if any, could stop the Gilbertese people from rejoicing on that day when they finally achieve independence from Britain.

The Chief Minister said that that would be the unlikely event that the Banabans successfully convinced the majority of British politicians to vote against the Gilbert Islands Independence Bill.

## RETIRING BISHOP LEAVES FOR GOOD

I AM LEAVING you, but I shall always remember your friendliness and kindness to me, throughout the 17 years I spent with you in the Gilbert Islands, the Reverend Bishop Peter Guichet told Radio Tarawa's reporter during an interview yesterday at Bonriki International Airport, moments

before taking off.

He said in fact, "my years in the Gilbert Islands were the happiest ones in my life."

"Everywhere I go I receive a warm welcome to visit you.

And I also would like to wish you a happy and prosperous future on attaining and years after your Independence.



HIS Excellency the Governor Mr Reginal Wallace farewells Bishop Guichet just before he boards Air Nauru on his way to Europe.

MORE PICTURES ON PAGES  
10 & 11

# SEWERAGE PROJECT IN PROGRESS

ABOUT SEVEN kilometres of PVC pipe has been laid on Betio as part of the sewerage scheme being constructed by the Australian Aid Sewerage Scheme. Most of the pipelaying on Betio to the west of the wharf area has been completed.

A 13 metre high tankstand with a 5000 gallon water tank, located at the top has been completed at Takoronga. This tank

will be filled with salt water from pumps to be located nearby on the beach.

One of the intake structures to be used for pumping the water has been completed and work on the second will commence shortly.

The salt water will be piped around the island for use as flushing water in the toilets. The pipes for the salt water were installed about five years ago at the same

time as the drinking water pipes, which feed the fibreglass communal water tanks.

Work has commenced at Temakin point on the first of nine pump stations. This pump station, which is being constructed using a prefabricated steel caisson, will pump the sewerage along a rising main to a drop structure. From there the sewerage will be pushed out through a 22mm

diameter pipe across the reef and discharged into the Ocean at the reef edge. The drop structure, evident by the concrete pillar near the gun emplacement at Temakin point, has been completed. Once the first pump station is completed the sewerage scheme can become partly operational.

At present, the Project is employing about 150 local employees.

## Ex-CETC Donate \$200

A DONATION of over \$200 and a large case of eating utensils has been donated to the Minister for Health and Community Affairs, the Hon. Babera Kirata, by the Ex-CETC Students Association last Friday, 9th February.

This Association is formed of ex-graduates from the S.P.C Community Education Training Centre in Suva, Fiji many of whose members work in Religious and Government sponsored Community Education programmes mainly at rural village level.

A spokesman from the Ministry of Health and Community Affairs said that the members of the Association were very concerned about the tremendously increasing rate of infant malnutrition and child neglect that has occurred over the past few years. He said that the money would be used to improve conditions in the childrens ward and to assist poor families to feed their children better!

Meanwhile the past few months, church and Government Community Workers have visited nearly 200 families from which infants had been admitted to T.C.H. with malnutrition and discharged when they were happy healthy babies again. The results of the educational home visiting were often disappointing and in a few cases it was found that babies discharged as healthy had since died through neglect. Church and Government Community Workers with some 5000 members of women's clubs affiliated to Aia Mea Aine n Kiribati last year launched a campaign to fight malnutrition through better sanitation and nutrition education. In their spare time the ex-CETC students raised the funds which were donated to the Ministry of Health and Community Affairs last Friday.

The Ministry of Health and Community

Affairs comments that the ex-CETC students and Aia Mea Aine are tackling the problem in a very responsible way and complement the Ministry's own active programmes. Malnutrition has been very many causes but the most important Health

aspect in the Gilberts is to improve the general standard of hygiene and sanitation. Without a general improvement in health habits, a campaign to teach better nutrition, as an isolated subject, would probably not be very effective".

### Thank You' - Catholic Missionaries

With the days of Bishop Paul Mea's Consecration firmly placed in our memories and in the history of the Church of the Gilbert Islands, we, the Catholic Missionaries would like to express to the Governor, the Chief Minister and the Ministers our sincere gratitude for all that you did to welcome our Pacific Island visitors, particularly for bringing them into your homes and families.

Each of our visitors has gone away with happy memories of the warm welcome they received, not

only from the Catholics, but also from the Government and Protestant Church leaders.

Our gratitude to you all can only be expressed in our prayers.

Now, we look forward to another great day when the Gilberts will be Independent.

We pledge to you, the leaders of our country, our prayers, our loyalty and the assurance of our assistance in any way so that together we can grow to maturity in true freedom, a freedom that comes from Christ.

## "STOP MINING OPERATIONS" - BPC was told.

THE BRITISH Phosphate Commissioners at Banaba were told by three members of the Rabi Council Leaders to stop their mining operations within 24 hours.

Following instruction from their Head Office in Melbourne, the BPC did not stop and certain machinery were either destroyed or burned.

A Fiji Union official was reported to have said that if mining operations do not stop he will ask the Australian and New Zealand Unions, through the Fiji channels, to blacklist BPC ships.

## Rabi Councillors Arrested

A NUMBER of Banabans including 3 members of the Rabi Council of Leaders appeared before the Magistrate Court at Banaba on a number of charges including, Attempted Arson, Criminal Trespass and Taking part in a Riot.

This followed the arrest last Thursday evening of 8 Banabans including the three councillors after some BPC machinery were either destroyed or burned.

Earlier the Banabans have demanded that BPC stopped their mining operations within 24 hours. BPC did not stop.

## Pioneer Comment

# WHY? The Upper Most Question in the Minds of Gilbertese over the Banaban Issue

OUR APPROACH to independence is not threatened but marred by recent incidents at Banaba.

The question is Why? Are the Banaban intentions simply to harass our efforts to attain full independence on July 12. If so, Why? If not, who then are they harassing.

Before the year is out Banaba will be finished and will just become bare rocks. Surely the Banabans would not want to live there in preference to Rabi. But if they do wish to, who stops them?

Certainly not this Government as can be seen from the provisions especially made out in the Constitution to suit them. Why then?

"We have done everything we can," said the Chief Minister, the Hon. Ieremia Tabai. "We have made special provisions for them in our Constitution and have written to their

Leaders inviting them to further meetings to sort out other points that they might want to include, but they have never replied."

The Chief Minister said also that efforts by two of his Ministers who were at Banaba at the time of the recent happenings, to meet with them and discuss the problems were of no avail. The Banabans refused to meet them.

Gilbertese on the streets were perplexed by all these. They cannot understand their Banaban brothers and worst still their foreign allies that work with them

The whole matter is purely an internal affair concerning the Banabans and the Gilbertese. The Fiji Unions have no right to meddle in these matters.

We are all working hard to end colonialism. Let us hope we do not get a Fiji colony on our door-steps.

If the Banabans

do not know it, the Gilbertese are always ready to receive them with open arms and minds. Why do they not come to the Conference Table and work out an acceptable solution to all these problems with their Gilbertese brothers.

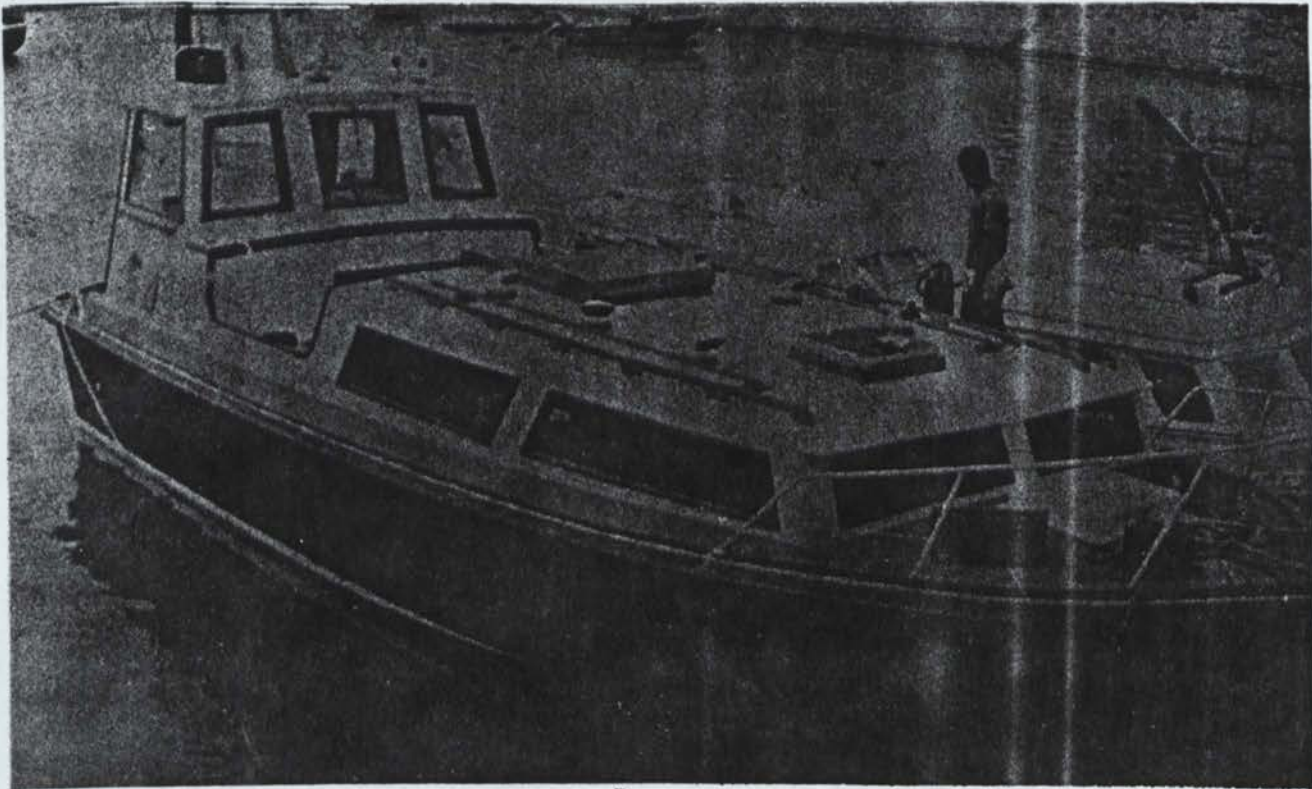
All these harassment is giving bad publicity. Surely in their hearts they will want to see their Gilbertese brothers taking the big step of achieving independence. Surely they would want to help them achieve this. So, why all the fuss. Come on, get together soon and sort out your problems.

If it is British justice you want to "fight", then fight it together even to the extend of getting support from Fiji or even Australia and New Zealand.

That will create a better Pacific to live in than fighting among yourselves.

# "KAMEANG"-New and Bigger

By **KAOTI ONORIO**



## UK Aid To The Gilberts in 1979

SINCE the beginning of the year almost \$2.5 million worth of projects have been approved by the United Kingdom Government, including the largest single project ever. The year kicked off to a fine start with the arrival of "Nei Manganibuka", the new skipjack fishing vessel. Although constructed in Japan, the construction cost of the vessel, at \$850,000, was met from UK aid.

Since then the UK have approved \$75,000 for new equipment for TTI, \$49,300 for improvements to Government House, \$14,000 for Tamana Airfield and \$770,000 to cover the next

two years operating costs of "Nei Manganibuka" and the fish farms at Temaiku and Ambo. Just last week a further \$442,500 was approved for toilet blocks to be constructed at Betio. These will be linked up with the pipe sewerage system being installed as part of the Australian aid programme to the Gilberts.

The addition the UK recently approved the largest single UK aid project ever - almost \$1 million - to cover the cost of commuting the earned pension entitlements of all non-Cap 10 civil servants for payment into their NPF accounts.

THIS newly completed launch has just been handed over to the Chief Minister's Office for use by top Government officials and VIPs as a special transport between Betio and Bairiki.

The new boat has been named "Kameang" after the former Governor's launch which is about twice smaller in size.

Sources quoted the estimate cost at \$36,000 from UK funds.

It is powered by a 110 horse power ford engine with a speed of approximately 6-8 knots.

The launch approximate dimensions are 33 ft long with a beam of 12 ft and 4 ft in draft.

At least 20 passengers could be seated comfortably aboard.

Design is by Hartlays in New Zealand and built at the Betio Boatyard of the Gilbert Islands Corporation.

Materials were or-

dered from Australia, New Zealand and U.K.

Construction started in July, 1977 and was finally launched on February 8th this year (1979).

Thousands attended the launching ceremony conducted at the Betio slipway. Among the guest present were Bishops, Archbishops and a Cardinal who were in Tarawa for the ordination of the Jan Father Paul Mea, now Bishop of Tarawa.

Other presentees were the Governor, Mr. Reginald Wallace, the Chief Minister, the Hon. Ieremia T. Taabai, and top Government Officials.

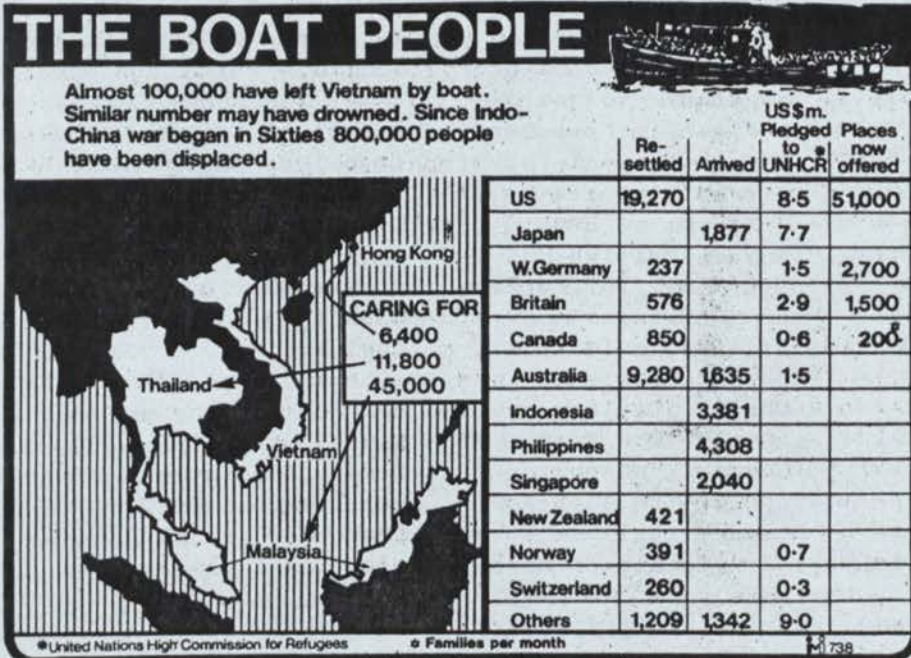
Bishop Guichet blessed the launch and Mrs. Wallace the Governor's wife broke a bottle of kaokioki (a local fermented drink from toddy) at the front.

The boat is now mooring inside the Bairiki wharf.



# THE FATE OF THE BOAT PEOPLE

By Tom Arms in Pretoria



# PEOPLE

In December last year, Paul Hartling, the UN High Commissioner for Refugees (UNHCR), convened three days of consultations with over 30 governments. It was the first concerted attempt to find a global answer to the problem, and it resulted in 5,000 new places of resettlement being offered by Western countries, and an extra 12m dollars for the UNHCR's budget.

Countries which had received few refugees, chose instead to contribute to the UNHCR. Japan opened its doors to a mere 1877 Indochinese refugees between August 1975 and Oct. 1978, but contributed 7.7m dollars towards the UNHCR target of 39.5 million.

Since the December meeting in Geneva, further offers of resettlement have been received. West Germany has offered 2700 places, Britain 1500, and Canada has decided to take 200 families a month. The total number of places available has reached 90,000.

Despite this, Ghazalie Shafie, Minister of Home Affairs for Malaysia, ridiculed the offers as money and places "grossly inadequate".

Certainly, they

cont, on Page 6

FIRST the Hai Hong. Now the Huey Phong and the Tung An. Obscure names of Vietnamese vessels - but they have come to symbolise the agony of thousands of refugees risking their lives to flee Indochina.

And still the "boat people" are just the tip of the iceberg. For the UN High Commissioner for Refugees, based in Geneva, they remain a tiny proportion of the 10 million people who have been displaced by wars and upheavals all over the world, and are receiving UN assistance.

In round figures, some 800,000 people have been displaced throughout Indochina since the war began in the Sixties. About 200,000 Cambodians have fled to Vietnam. A similar number fled to the US following the fall of Saigon in 1974. Some 192,000 (the bulk of them from Laos) have

fled to Thailand, where over 120,000 still remain in camps.

Almost 100,000 "boat people" have fled Vietnam to neighbouring Asian countries, and a similar number have drowned in the attempt.

During the last six months, the numbers of boat people has increased dramatically. In March 1978, 2,257 found temporary asylum. By July the figure had risen to 6,232. In October it was 12,524, and in November it soared to 21,500. The latest available figure is 12,5000 for December. But UNHCR officials warn against optimism: low figures are put down to bad weather in the south China Sea.

The burden of caring for the boat people until permanent homes can be found for them has fallen mainly on Malaysia, which has

taken over 45,000. Thailand, which has received 11,834, and Hong Kong (6,159 until the Huey Phong) are the other two Asian countries most affected.

The cost of providing essentials for the refugees is enormous: in the first two months of this year it will cost Malaysia 8.2 million dollars and Hong Kong 5.5 million alone.

This explains the unwillingness of Hong Kong and the Philippines to give even temporary refugees on the two freighters currently in the news - the Huey Phong and the Tung An. Despite world-wide appeals and increasingly poor conditions on the boats, it was not until two weeks had passed that the government of Hong Kong finally relented and allowed the Huey Phong to enter the port.

# The Fate of the Boat People

cont, from Page 5

seem distinctly temporary in the light of the numbers and the certainty that refugees will continue to leave Vietnam.

There are still more than a million Chinese in Vietnam, their situation increasingly uncomfortable as relations between China and Vietnam deteriorate. An estimated seven million farmers in the Mekong Delta stand to lose their land if plans for resettlement and collectivisation are pushed through.

There is no telling how many might try to flee.

One major problem about a "global" solution is the role of Vietnam itself. Ideally the problem should be addressed at source, and the exodus prevented. But the Vietnamese have shown no signs of discouraging the flow. Vo Van Sung, Vietnamese ambassador to Paris, described the refugees as "parasites, dedicated to a consumer-oriented way of life," implying that his government was quite

happy to see the back of them.

Western governments, and the UNHCR, face an acute dilemma over Vietnam. No one can be seen to be asking the government to prevent the refugees leaving: as Evan Luard, British Under-Secretary for Foreign Affairs, said at a press conference in Geneva, Vietnam seems better than East Germany "where people are shot for trying to leave".

"Freedom of movement is a cardinal principle for dem-

ocracies" agreed one UN official.

But the other side of the coin, equally difficult, is that no Western government wishes to encourage the exodus - which makes the UNHCR reluctant to propose less hazardous means of transport than rickety boat, despite Vietnam's apparent willingness to "regularise" the exodus.

Luard also observed that the pressures on the refugees appear to be partly economic, in that they are of commercial origin,

cont, on Page 7

## AIR NAURU'S NEW SCHEDULE

DAY	FLIGHT	DEPART	ARRIVE	AIRCRAFT	DAY	FLIGHT	DEPART	ARRIVE	AIRCRAFT
MON	ON123	Nauru 0600	Honiara 0720	B737			Noumea 1505	Nauru 1835	
	OH122	Honiara 0800	Nauru 1020			ON121	Nauru 1430	Noumea 1630	B727
	ON810	Nauru 1100	Ponape 1215	B727			Noumea 1735	Melburne 2055	
TUE		Ponape 1300	Guam 1410			ON249	Noumea 0830	Tonga 1305	B737
		Guam 1455	Okinawa 1705			ON248	Tonga 1350	Noumea 1435	
	ON421	Hong Kong 2230	Manila 0020 (MON)	B737		ON125	Nauru 1430	Honiara 1435	B737
		Manila 0105	Guam 0635			OK124	Honiara 1630	Nauru 1850	
WED		Guam 0720	Nauru 1250			ON620	Port Vila 1800	Nauru 2115	B737
	ON621	Nauru 1430	Port Vila 1645	B737	SAT	00N920	Suva 0730	Nadi 0800	B737
		ON811	Okinawa 0745	Kagoshima 0900	B727		Nadi 0900	Nauru 1130	
FRI		Kagoshima 0945	Guam 1350			ON324	Nauru 1245	Tarawa 1400	B737
		Guam 1435	Ponape 1745				Tarawa 1430	Majuro 1545	
		Ponape 1830	Nauru 2045			ON323	Majuro 1615	Tarawa 1730	
SAT	ON420	Nauru 1430	Guam 1640	B727			Tarawa 1800	Nauru 1915	
		Guam 1725	Manila 1845			ON720	Nauru 0030	Guam 0300	B737
		Manila 1930	Hong Kong 2120				Guam 0345	Taipei 0545	
	ON121	Nauru 1940	Noumea 2210	B727			Taipei 0645	Hong Kong 0815	
SUN		Noumea 2255	Melbourne 0235	Thur		ON820	Nauru 0630	Guam 0840	B727
	ON721	Hong Kong 2230	Taipei 2345 (Thu)	B727			Guam 0925	Kagoshima 1145	
		Taipei 2345	Guam 0615			ON821	Kagoshima 1230	Okinawa 1355	
SUN		Guam 0700	Nauru 1215				Okinawa 1455	Guam 1845	
	ON322	Nauru 0630	Majuro 0800	B737			Guam 1930	Nauru 0040 (SUN)	
		Majuro 0830	Tarawa 0945			ON521	Nauru 0130	Apia 0645	B737
	ON321	Tarawa 1015	Majuro 1130					(SAT)	
SUN		Majuro 1200	Nauru 1330			ON520	Apia 2100	Nauru 2315 (SAT)	
	ON921	Nauru 1440	Nadi 1730	B737					
		Nadi 1830	Suva 1900			ON120	Melborune 1100	Noumea 1420	B727
	ON120	Melbourne 1100	Noumea 1420	B727			Noumea 1505	Nauru 1835	

Issued on behalf of AIR NAURU by Traffic Department Air TUNGARU BOX, 274 BIKENIBEU.

# Letters

## Common Law on Reasonableness

Dear Sir,

[ DON'T HONESTLY know the sort of independence we are going to have in July. Perhaps political. Perhaps more accurately it is personality independence. Perhaps it is legal. But we still have the Common Law of England. For instance provisions in our criminal code introduce standards of "reasonableness" "reasonable belief" or related concepts, like the "ordinary person" as a basis for assessing criminal liability, excusing or justifying behaviour which is "reasonable" while punishing the person whose behaviour is not.

According to Hall Brooklands Auto Racing Club (1933) L.K.B.205 at page 224 per Greer

L.J. says that the "reasonable man" is a creature of the Common Law and his imputed attitudes and beliefs seem at first sight essentially English.

This fictional personage has been variously described as the "man in the street" and the "man in the Clapham Omnibus".

He watches cricket matches at Lords, knowing fully well that the spectators are not encased in a steel frame to protect them from balls driven over the fence. Further, he is a keen sportsman, it is his custom to attend the running of the Derby despite the slight possibility of injury from a fractious horse.

Thus, the "reasonable man" and the standards of "reasonableness" he represents, are useful and necessary part of the Common Law.

But are they suitable for export to places like the Gilbert Islands?

My brother, with great respect, my answer is negative on the sole footing that in the Gilbert Islands it is impossible to catch an omnibus to Clapham, watch a cricket match at Lords, or, in grey top hat and tails or even less

formal costume, be present at the running of the Derby.

It is clear therefore that I personally do not favour the Common Law "reasonable man" because he is not native of the Gilbert Islands but perhaps,

cont'd on p 8

## The Fate of the Boat People

cont'd from p 6

and quite out of place in the austerity of modern Vietnam.

Given this, one solution might be to offer more aid to the country. But of the 34 countries present at the December meeting, only Sweden directly increased aid to Vietnam pledging 1.5 million kroner to help with the refugees from Cambodia.

Western countries remain adamantly against giving aid to Vietnam, which is still considered a major violator of human rights even more so since the invasion of Cambodia.

All other aid is left to the UNHCR, which plans to spend 3½ million dollars in Vietnam this year. It is a measure of the importance of the agency's role. But it leaves Vietnam itself internationally isolated, at

war, and struggling with its own massive influx of refugees and aftermath of a crippling colonial war - the very worst recipe for dealing with the boat people.

As a result, no one is seriously concerned with preventing the increasingly agonising exodus of boat people - only trying to resettle them and provide them with humane temporary asylum. And as more and more governments disclaim responsibility, so tempers wear thin, attitudes harden, allies who should be pulling together regard each other's efforts grudgingly.

The US, which will take 51,000 refugees through to April - far and away the most generous offer - has clearly signalled to the world that the problem is now truly international after tacitly accepting that the US and France bore

special responsibilities after their involvement in Vietnam itself.

But America's allies appear to have rejected this. Some - like Britain - maintain that they have their own areas of historical concern, others like Malaysia, argue that because the refugees want to go to the US, America obligations remain stronger than ever.

Further twisting the knife, Malaysia's minister Ghazali Shafie said at the December meeting here. "As long as there is an open declaration that the United States is prepared to accept the fleeing people from Vietnam there will be more who flee that country."

To at least one American onlooker, it was bitterly ironical that the US traditional policy of welcoming distressed refugees is seen as adding to their plight.

# BATTLE OF THE STRINGS

ENTER NOW...ENTER NOW...

RADIO TARAWA WILL  
ORGANISE A MUSICAL  
COMPETITION  
ON TARAWA  
FOR ALL STRING BANDS

## 3 Prizes to win!!

1st- \$100

2nd- \$75

3rd- \$50

## Three categories

- Instrumental: 2 numbers - all new
- Musical (Vocal accompanied by instruments): 2 numbers - all new
- Popularisation of old local numbers. May or may not be accompanied by instruments. 6 numbers.

All songs must be  
in Gilbertese

ENTER NOW. RING 356 OR 268

## Ten numbers to play!!

## Make it a

## Habit to

## Read & Advertise

## in the

## PIONEER

### Common Law on Reasonableness

cont'd from p 7

is at least an expatriate settler of long standing.

Then, what are the proper criteria to be used in the Gilbert Islands courts when it becomes necessary to ask "reasonable man" or an "ordinary person" would have behaved?

Obviously, in a relatively homogeneous society like ours (please correct me here) it is comparatively easy to achieve agreement as to whether a particular belief is reasonable or whether a "reasonable man" or an "ordinary person" would behave in a certain fashion.

But though such standards are theoretically objective, they are flexible and inexact, varying with the composition and prejudices of courts.

Who is then a Gilbertese who is best suited to replace the common law "reasonable man"?

A Gilbertese politician? I don't think so because the gentleman often fools around in the House of Assembly.

A Gilbertese toddy cutter? - I think he is not the right guy because he often disturbs the peace of his neighbour when he consumes 'KACKIOKI' and sings at the top of his voice.

To conclude, I feel the man wearing a grass - skirt is the answer so that honourable bloke takes the place of the man on the Clapham omnibus and surely he should be a "reasonable man" in the Gilbert.

Yours faithfully,  
Tuariraki Teiwaki

University of Papua  
New Guinea

**BIDDING ..... FAREWELL**



BISHOP GUICHET (in black) posing with some of his colleagues Bonriki Airport.



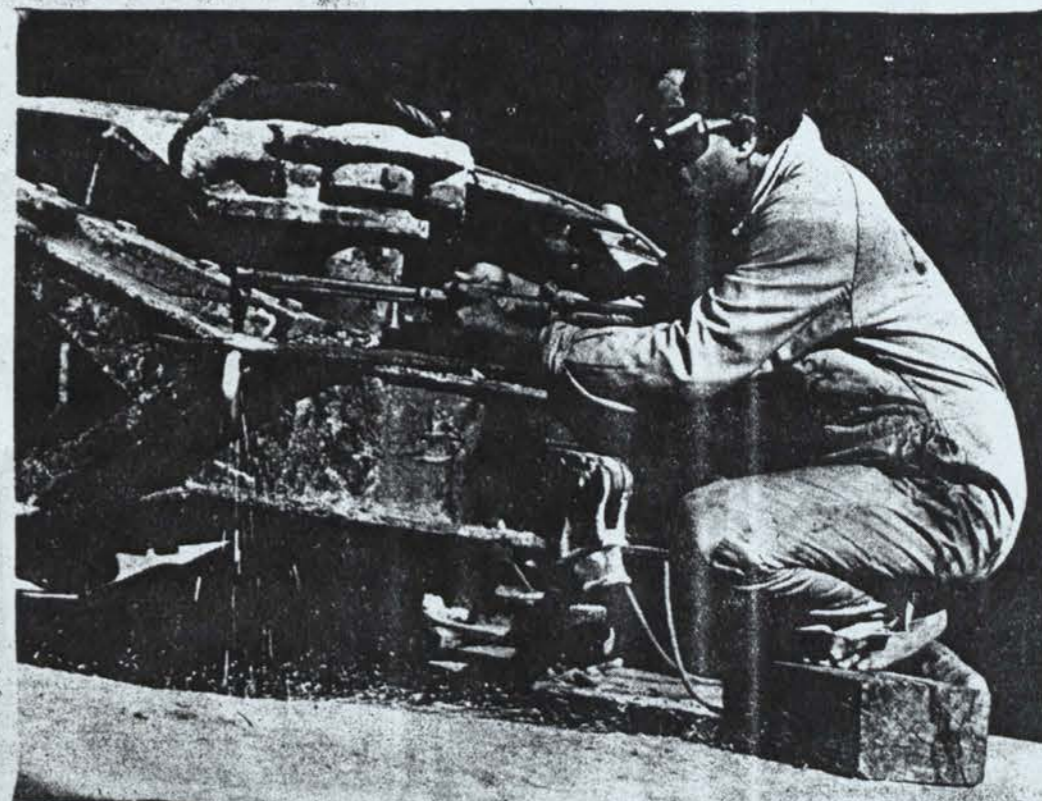
ONE OF the last shots before take off.



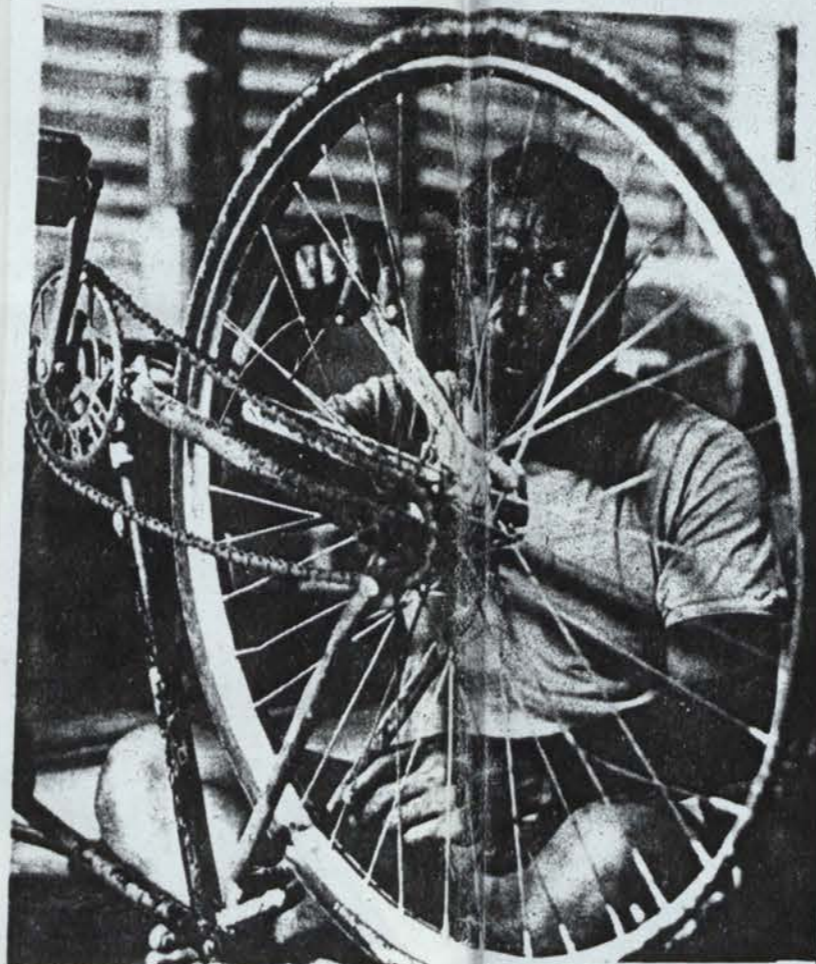
A CONGREGATION of nuns who came to see Bishop Guichet off.

**FOCUS  
ON BPC  
WORKSHOP  
BANABA**

pics: Rubetake  
Taburuea  
&  
Ma Kin Chu



Hard at work and not bothering to pose.



Having a go at a bicycle.



Caught in action.

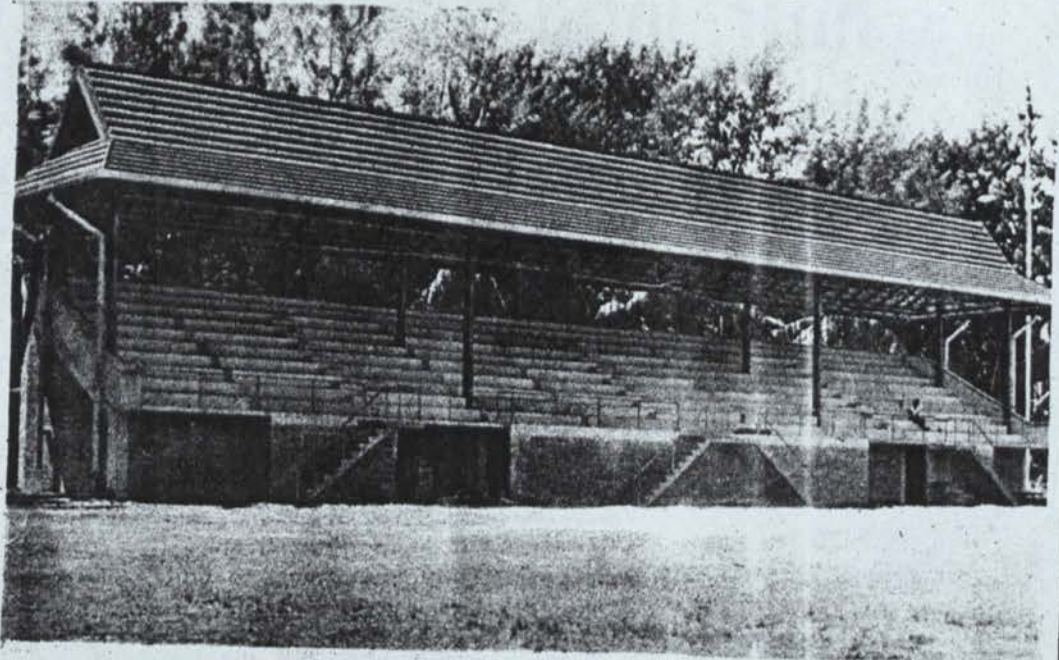
# The New National Sports Stadium

This stadium, built especially before independence, is in its final stages of completion.

In capacity, it could hold at least 600 people. Design was by Brian Derrick, and it was first constructed in October, 1977.

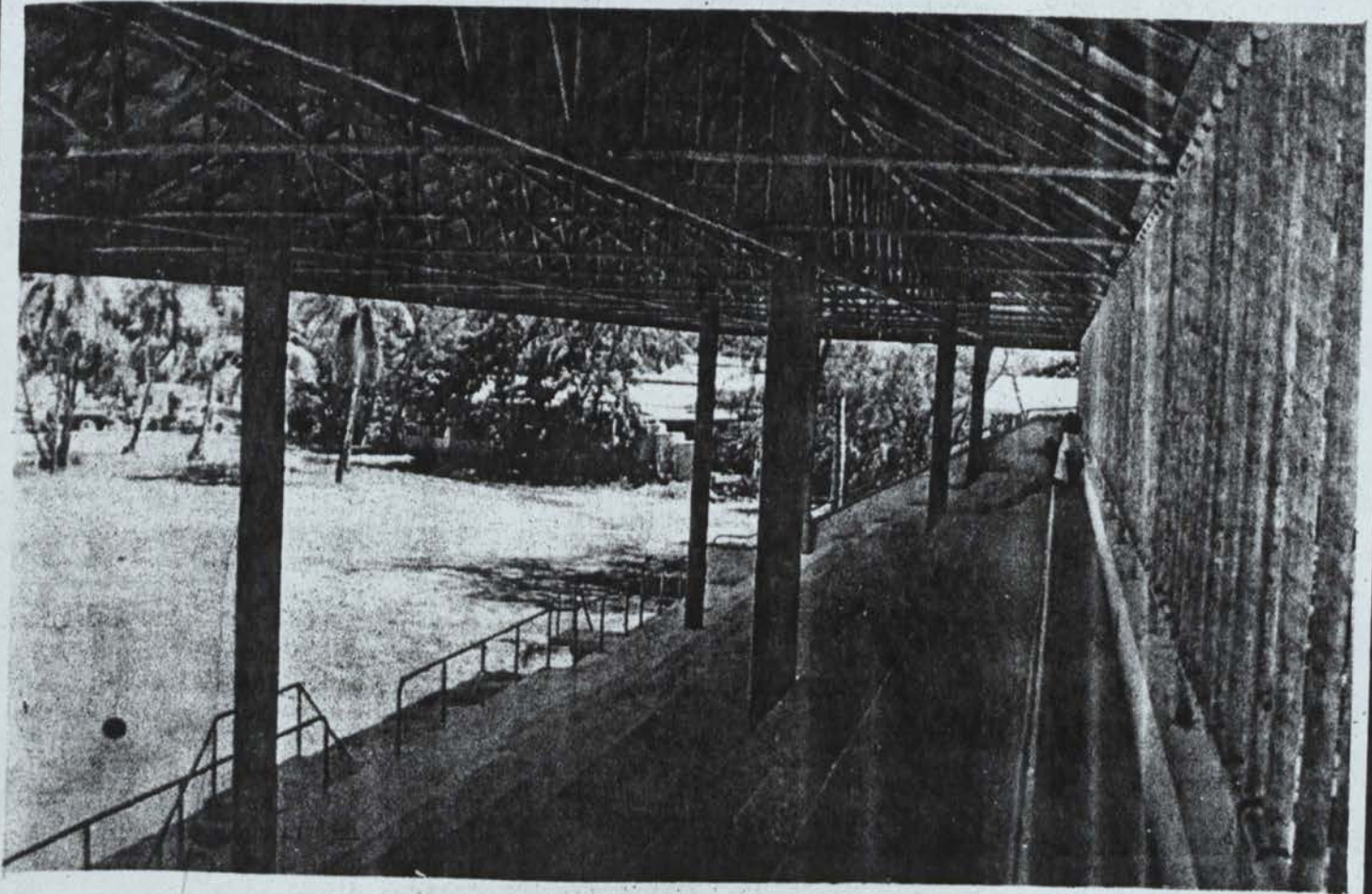
It is hoped to be completed by next month.

This is the only stadium in the Gilberts located at Bairiki (Government Headquarters)



Front view

Pioneer Photos:  
IARAM TABUREKA



Inside view

## SPOT VIEWS

This week's question:

# Should men wear their hair long?



"If it is wanted by teen-agers, who will run the country tomorrow, I don't object."  
(Construction Labourer)



"Yes, because fashion changes from generation to generation. Today's fashion is long hair for men." (Accounts clerk)



"No, men look stupid with their hair long. They appear disrespectful and untidy."  
(Cleaner, BPA)



"To wear your hair long is an indication of progress and development. It is O.K."  
(Agricultural Assistant, MNRD)



"It doesn't matter how a person wears his hair, so long as he keeps it clean and neat."  
(Otintai Hotel staff)

# SOUTH AFRICA'S CONTROVERSIAL BOXING CHAMP

→ Iain Guest

KALLIE KNOETZE, the great white hope of South African boxing defended apartheid when he was a policeman by shooting an unarmed and innocent black youth.

As a heavyweight boxer his appearance started a hundred demos and brought race politics back into the ring forty years after Joe Louis beat it out of Hitler's Champion, Max Schmelling.

What sort of person is Kallie Knoetze? What sort of policeman was he?

"I'll tell you what sort is", said General F L C Engels, deputy commissioner of South Africa's police. "He's a very handy chap when it comes to the rough stuff. Otherwise he was a very good policeman, and very devoted."

Boxer Kallie is, of course, no longer a policeman. He resigned last year after pleading guilty to trying to persuade two youths to drop their charges against a fellow policeman who assaulted them.

"He probably would have been dismissed.

cont, on Page 19

# KNOW YOUR CHILD

By \_\_\_\_\_  
David Wynn Jones

MANY of us find young children a nuisance. They are always asking questions about this and that. In our nation of Kiribati it has been traditional to discourage children who are inquisitive and curious. 'Stop trying to act like an adult' we tell them, 'It is not polite to want to know so much at your age.'

Is this helpful to our children in their struggle to equip themselves for the battle of life: I think not! Let us look at some of the reasons why we should in our own interests, answer children's question carefully and reasonably.

We often measure a young person's intelligence by means of a test which has been carefully designed so that it does not favour someone with a special talent or ability for words; mathematical figures and so on. At the end we have his I.Q.-which tells us whether he is bright or dull compared with the average number of 100. But what, in reality, have we measured?

It has been shown that children are born with certain inner mental capacity (Intelligence A). In the same way however that a muscle can be made stronger if we continually use it; our intelligence CAN BE INCREASED by the family background in which we are brought up and the education

we receive. This is NOT to say that a child from a home where his parents encourage him to learn about the things around him (environment) simply KNOWS more than a child who has not had these advantages. Life, has, in fact, made him genuinely more intelligent. To put it another way; through having learned, he is better able to learn and to make efficient judgements and decisions in his daily life. (Intelligence B).

Many tests indicate that, in general round twenty per cent of our adult mental ability is the result of environment and eighty per cent is the result of heredity (what we were born with).

It is very difficult to measure the amount of hereditary intelligence in children because by the time they are old enough to take a test they have already been conditioned (changed) to a greater or lesser extent by their home, island life and school (environment).

On the surface it would seem that when we make a child do an intelligence test; to enter a school or get a job we are measuring a combination of Intelligence A (what he inherited from his ancestors) and Intelligence B (what he has learned from the world around him). However many

people believe that we are actually measuring something quite different-the child's response (answer) to the society in which he lives. This can be called Intelligence C.

Finally, two other dimensions (parts) of the activity of our

mind not usually measured in I.Q. tests; but still very important are the qualities of sensitivity and wisdom. Philip Mason in his book 'Race Relation' say A high degree of reasoning and mathematical inte-

cont'd on p18.

## Pick of the Week



AI AUE SA! 'Fantastic' is the only word suitable to describe these beauties.

These are rare faces often hidden behind their voices. They are announcers with Radio Tarawa. (from left to right) Miss Veremine Tira, Miss Kamoia Kanoua and Miss Leslie Panapa

Pic. Iaram Tabureka



## News in Briefs

THE INDEPENDENCE Planning Officer Mr. Jonah Jones, said today, that up until yesterday, 22 countries have been notified of invitations to the Gilbert Islands Independence Celebrations on Thursday July 12th. These countries are:

Australia, New Zealand  
Canada, Niue, China,  
Northern Marianas,  
Cook Islands, Palau,

Fiji, Papua New Guinea, Hawaii, Solomon Islands Marshall Islands, Tonga Japan, Tuvalu, Micronesia, United Kingdom Nauru, United States of America, New Hebrides, Western Samoa.

Out of these countries, Fiji, Niue, Papua New Guinea, Tonga and Tuvalu, have not replied.

A SURVEY TEAM from the Lands and Survey Division is expected to leave Tarawa on Monday February 26 for Anorae.

The team, a spokesman from the Division said today, would carry out Survey on the proposed site of a new airstrip on the island. The team will be led by Senior Survey Assistant Mr. Tenukai Uati.

Meanwhile members of the Lands Court appeals Panel have already arrived at Maiana and Abaiang where they will hear cases relating to land matters.

THE SECRETARY to the Public Commission,

Mr. E. O'Callaghan has been appointed Accreditation Officer for Independence, on a part time basis at the present time, in addition to his present post. Mr. O'Callaghan on taking up full time appointment as accommodation officer, will be responsible for arrangements of accommodation for official guests to the Gilbert Islands Independence Day.

COMPENSATION amounting to \$450.00 has been paid to landowners of an area adjacent to the Teinainano Urban Council Maneaba at Bairiki. The area as a spokesman from the lands office said today, will accommodate a new tennis court. A total of 37 coconut trees and 4 breadfruit trees were felled from the area.

A MAN WAS reported dead at Bikenibeu in South Tarawa on Monday night.

The man, identified as Police Constable, Tiaon Tebenea, had several wounds on the body. Reliable sources said the man died from the wounds he had.

The incident took place inside the King George V and Elaine Bernacchi School Compound, where the deceased was reported to be waiting for his wife, working at the school, to give her a lift home.

Another man is helping the police with their enquiries.

**NEWS  
TIPS?  
RING 256**

# KNOW YOUR CHILD

cont'd from p 17

Intelligence often goes with a low degree of sensitivity' This means that many very clever people in developed countries do not make use of the gifts that God has given them to appreciate the beauty of the world around them, to understand the importance of social relations; of respect for the family or even to appreciate the mystery of life itself. The opposite is also true; many people who are extremely sensitive in such matters are shy and embarrassed when they have to deal with a cold but clever person who can argue so well that he always wins. Wisdom is what is admired throughout the world however. This is a slow, often very imperfectly expressed, but apparently natural, understanding of the human factors involved in a situation and the ways in which they're likely to develop. Wisdom is understood from the Masai Mara in Africa to Maiana in our own

country.

But what was the wisdom of yesterday may not be the wisdom of today. Our children will have to deal with an immensely more complicated way of life than our ancestors or even ourselves ever had to. Many of us who have lived in the Gilberts all our lives become very homesick once we go abroad on a course or to work on a ship. Even Suva in Fiji can be a very frightening experience for our clever young citizens who go to University there.

How can we help them? In our island way of life there are only a fairly limited set of external stimuli (things to think about). We have however a chance to tell our children what we; ourselves, have learned of the world outside. We have, as well, the opportunity to encourage our children to travel the world WITHOUT LEAVING THEIR OWN HOME. We can do this if we encourage them

TO READ BOOKS.

I like to think that education is not merely learning facts. The truly educated child notices the beauty of the fairy tern (matawa) - like a small white cloud in the blue sky (eyes). He enjoys the whispering of the wind through the leaves of the palm trees (ears). He smells the warm sea air and ENJOYS it (nose). He eats his fish and babai and THINKS about the taste. He touches a flower and feels its softness. In other words he uses and ENJOYS the senses that God has given him.

Next time your child asks 'Papa, why do lizards walk upside down on the roof of our house?' - do not sent him away without an explanation. Parents who answer questions will feel happy as they see their children grow up confident and wise. In such ways the citizens of new nation are born.

## TARAWA TIDE TABLE

HIGH TIDE LOW TIDE

Thur 22 Feb	0037 1.3	0647 0.6
	1306 1.5	1937 0.4
Fri 23	0148 1.4	0751 0.4
	1406 1.7	2033 0.2
Sat 24	0241 1.6	0844 0.2
	1457 1.9	2119 0.1
Sun 25	0328 1.8	0932 0.0
	1544 2.2	2205 0.3
Mon 26	0412 1.9	1018 0.1
	1628 2.2	2247 0.3
Tue 27	0454 2.1	1102 0.2
	1711 2.2	2329 0.3
Wed 28	0536 2.0	1145 0.2
	1753 2.1	

### LUNAR DATA

New moon: 0445 - 22th Feb

### DUTY SEARCHMASTER

21 - 27 Feb Capt W. Schutz

## TANINGA



★

NI

★

## KAUONGO

AT LEAST we know that Australian Aid Finds on the Sewerage Scheme is paying off. I would hate to see Australian generosity going down the drain.

It is very encouraging to learn that soon Betio will soon

have a complete sewerage system. Good old Aussies. We'll be seeing you on Bairiki before independence at the rate you are going.

We talk of good progress on the Sewerage Project financed by Australian Aid but let us also look at our own project financed from our pockets... the Betio/Bairiki Causeway. Its going on to two years now since

they started work on it but can you see any causeway yet?

Hey, I have been told that I jumped the gun last week (I am not sure whose gun, its certainly not mine) by saying that we have a museum.

The building I referred to is still the post office but no one yet has been able to tell me what those brass designs mean.

## GOLF NEWS

### QUANTAS CUP

Two Quantas Cup matches were played this week and the rest of the players took part in a 12 hole Stableford Competition.

Tom Davies won his Quantas Cup match with consummate ease, having yet another superb round, Tom was 7 up with 6 to play. In the other match, which was a much closer affair, Ieuan Batten and Peter Parker were all square after 16 holes. A lost ball on the seventeenth all but sealed Ieuan's fate and Peter Parker became 'dormie'. Peter made no mistake and took the last hole and the match.

The day's Stableford was won by Tom Davies with an exceptional 26 points. Trailing in second and third places respectively came Brian Heeley and Jim Wood.

### Coming Events:

Saturday 24th Feb, Quantas Cup & Monthly Medal.  
Saturday 3rd March, Bogey.

# Tapawa Motops Ltd.

## Sporty-bred, but still highly civilized.



## TOYOTA CELICA

The Toyota Celica with a host of features for well-rounded performance. Peppy and economical engine. Tachometer. Sophisticated suspension system and more on all models.



**TM**

TARAWA MOTORS at Antanon  
Box No. 36 Bairiki, Tarawa.

**TM**

# Controversial Boxing Champ

cont'd from p 16

had he not resigned", admitted General Engels, who as the man in charge of South Africa's police personnel came to know Kallie well as a policeman, boxer and friend.

Knoetze's efforts to protect his friend nearly stopped his fight with Bill Sharkey after the US State Department refused him admission.

What angered America's blacks is Knoetze's shooting of a South African black boy two years ago. The youth, Stanley Ndlovu, was an innocent bystander. As a result of Knoetze's bullet his leg was amputated.

The boy's father, Samuel Ndlovu, is suing the police for £36,000. If he wins, Knoetze could end up paying.

Did politics have anything to do with Knoetze's handling of the riots? "Definitely not" said the general. "Knoetze has no political affiliations.

"At least he never expressed them to me or anyone I know. I don't think he has any political views."

Kallie Knoetze started his boxing career at the age of 14. He got into an argument with a schoolmate at the bus stop. A line was drawn through the sand.

"Cross the line and fight" was the order. Someone

pushed Knoetze. He swung. His opponent fell. The next day his father took him to the local gym for boxing lessons.

As soon as he left school Knoetze joined the South African police. At first they encouraged boxing as part of his training. As he climbed the sporting ladder Knoetze's successes became a matter of prestige for the South African police.

They allowed him a free rein with his training. Knoetze would sleep until 11 in the morning when he woke for breakfast of steak or a heavily spiced South African sausage called Boerword.

Between noon and 4.30 he worked as a policeman and then at five he began sparring in the in the police gym. He finished the day with a three mile run at 10 p.m.

"Kallie is a fitness fanatic", said Engels.

In the ring Knoetze developed a reputation for viciousness. South African boxing writers referred to his "evil eye".

But among fellow police officers he was known as a mild-mannered and soft-spoken man. So much so that he was given a job as a dog-handler where he developed a close relationship with his animal.

"He was very fond of his dog", said Engels. "He could not be as hard as he is made out to be if he loves animals so

much."

Engels attributed the boxer's aggressiveness with many reporters to Knoetze's difficulty in speaking English. "He appears aggressive because he cannot express himself properly", said the general.

The white population of South Africa is divided between those who speak English as a first language. Most Afrikaans can speak English, and it is an indication of Knoetze's lack of education that he has never mastered one of the two official languages of South Africa.

The police recognised that the boxer was not a genius. "He was a basic policeman. He certainly was no good at theory, and I would never have given him a job behind a desk," said Engels.

But the prestige Knoetze brought to the force had to be recognised. So he was promoted from sward car patrolman to detective. He also found himself becoming more popular, not only with other constables and detectives but also with the upper echelons of the police force who liked to associate themselves with Knoetze's success.

But Knoetze's star status

within the police force could not protect him from his own foolishness.

It culminated after his sparring partner and friend of many years, Darvid Bosch, assaulted two boys arrested for car theft.

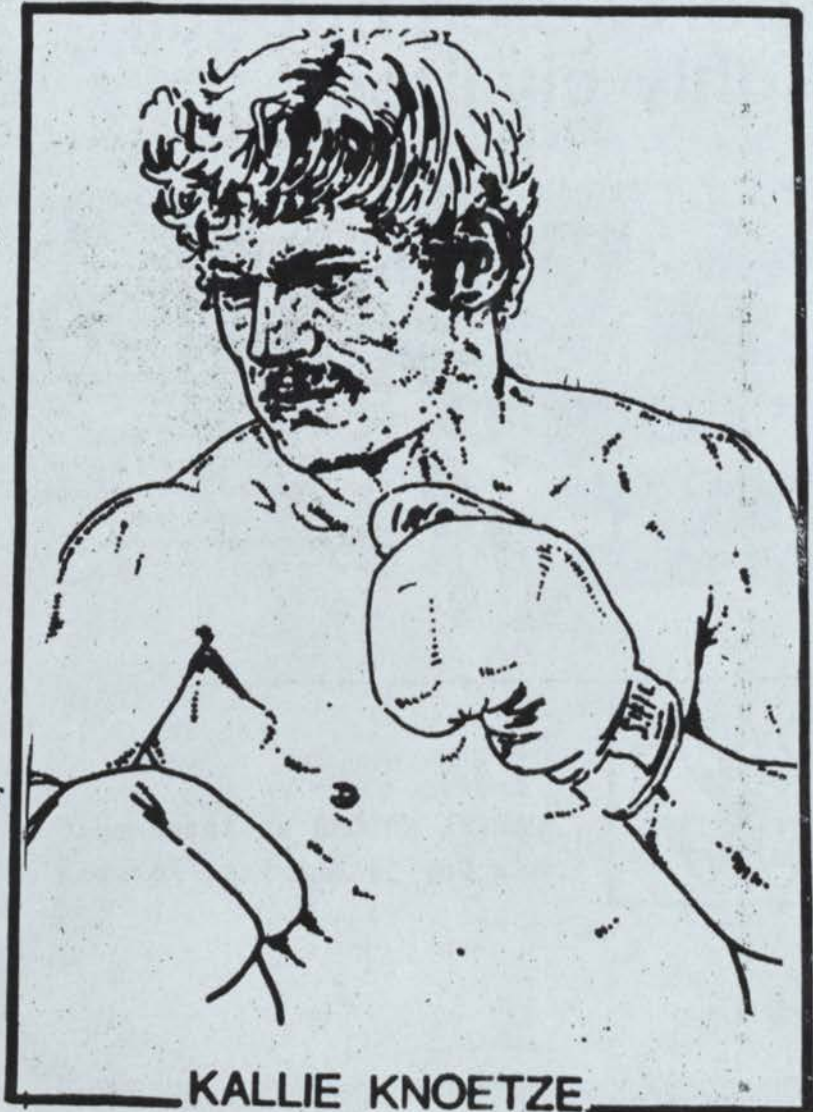
Knoetze first went to the boys and asked them not to pick out Bosch for the lineup. After this failed he went to the boy's parents and asked them to persuade their sons to drop the charges against his friend.

If Knoetze had stopped after the first approach, when he was warned, the matter would have probably been dropped. But after the second approach he was charged with "defeating the ends of justice". He pleaded guilty; was fined £125 and resigned from the police.

General Engels explained: "Kallie has a strong sense of loyalty. Sometimes it is misguided".

Shortly before he left the police Knoetze bought a farm outside Pretoria with his manager-trainer Billy Lotter.

He spends most of his spare time there with his wife and their 20 month old son Kallie-Matt. But, said General Engels: "I think he misses very much being a policeman and would like to return to the force".



KALLIE KNOETZE



**LETTERS TO THE EDITOR**

**Banaba visit**

Sir. — The letter in the Fiji Times of February 21 from Mr R.W.D. Acraman cannot pass unchallenged.

I find it extremely difficult to assess why the actions of Mr Caine must be applauded and why all General Electors should rally around a man who, while not only an MP but also of recent times a trade unionist, is interfering in the affairs of another country.

I recall in July 1977 a large peaceful demonstration held in

Suva against such interference by other countries in the affairs

of Fiji, and here we are now being asked to do just the same.

Mr Acraman cannot be serious when he asks all General Electors to applaud his (Mr Caine's) actions.

As an elected member he should confine his actions and obvious energies to the people who put him where he is and give him the right to have MP after his name and to be referred to as "Honourable".

H.K. MARLOW,  
Catalina Road,  
Suva.

**TARGET**

W	O	K
E	R	R
S	C	C

HOW many words of four letters or more can you make from the letters shown here? In making a word, each letter may be used once only. Each word must contain the large letter and there must be at least one nine-letter word in the list. No plurals; no foreign words; no proper names. TODAY'S TARGET: 21 words, good; 24 words, very good; 29 words, excellent. Solution tomorrow.

**YESTERDAY'S SOLUTION**

Eight gilt gist glen glint glisten gneiss heing ingest ingie legist length light lighten LIGHTNESS ling neigh night NIGHTLESS shingle sigh sight sign signet sing single singlet sleigh sleight slight sling sting thegn thing ting tinge tingle.



**OFF THE CUFF**

**THIS WEEK'S QUESTION:** "What do you think of the Banaban fire bomb attacks at Ocean Island?"



**VISHWA DUTT SHARMA**, clerk/interpreter, Lautoka: "The Banaban community has won a victory against great odds. They have demonstrated to the world that they are ready to take action to back their claims. Their sabotage mission was well planned and successful."



**Suresh, Lautoka:** "The fire bombing by a group of Banabans can only be seen as irresponsible and their actions must be deplored. Though their cause of action seems legitimate, they should seek a peaceful means of voicing and solving their problems."



**Uma Ram, merchandise manager, Suva:** "You don't achieve anything by violence. You must have patience and talk it over."



**RODNEY SAMUELS**, airline officer, Auckland: "It's okay if they're getting a raw deal after an unsuccessful negotiation."



**MITIELI NAIVALUVOU**, clerk, Suva: "They should not be refused their claims. They did that to gain their right of possession."



**TIMAIMA SALAYAWA**, waitress, Savusavu: "I think that the British Phosphate Commission is being unfair in the dispute over the island's future."



**MESULAME NAINOCA**, businessman, Suva: "Look all over the world — Iran, Vietnam, Kampuchea, or the Middle East — People die for what they believe to be rightfully theirs."



**BOLA VULI**, taxi proprietor, Raiwaqa: "They could be right with their action. I think this is the only way they can get their rightful land back, especially when they have gone through the right channel."

# Banabans threaten

## sabotage

A showdown is likely on Ocean Island either today or tomorrow when a high-powered Banaban delegation lands there to "occupy" the island.

The eight-member delegations arrival is a last resort by the Banaban people in their protest against exploitation of the island and its resources and the refusal of Britain to grant separation of Ocean Island from the Gilberts.

Speaking through his interpreter, delegation leader, the Rev Kaitangare Kaburoro, said: "We are all prepared to meet the consequences, come what may."

He is the deputy chairman of the Rabi Council of Leaders.

During a top-level meeting with other councillors on Wednesday here in Nauru they resolved that an ultimatum be handed to the manager of the British phosphate Commission on Ocean Island to stop all mining operations.

The BPC will have 12 hours in which to reply. If no satisfactory reply is obtained, the delegation and the 200

From  
**NEMANI DELAIBATIKI**  
in Nauru

Banabans on Ocean Island will sabotage and destroy all mining equipment and machinery on the island, Mr Kaburoro said.

They will block roads and obstruct operations in the mining areas. Asked whether they had considered the consequences, Rev Kaburoro said: "Yes we have. We are all prepared."

He said the plan would be implemented even if they were going to be arrested.

"This is our last resort in trying to get back a stolen property. The ultimate aim, if worse comes to worse,

is to announce a unilateral declaration of independence of Ocean Island after the formation of a Banaban government."

As soon as the delegation lands it will assemble all the 200 Banabans on the island and tell them its intentions and there will be a protest march to the BPC office where Rev Kaburoro will read out their petition to the manager.

Fiji Parliamentarian Mr Fred Caine, who is accompanying the delegation, will read a letter from the Fiji Council of Trade Union threatening a world-

wide shipping ban on Ocean Island if the Banaban wish is not honoured.

The seven councillors, including Rev Kaburoro, will remain on the island until March 12 when they hope to eventually achieve their aim.

Meanwhile, a decision on Ocean Island's future will be decided between now and February 23 when a bill will be debated in the House of Commons in London.

The council chairman, Mr Tebaiti Tawaka, is in London canvassing support.

Meanwhile, Rev Kaburoro has asked all the councillors to pray for God's help in their mission.

An Assembly of God minister, Rev Kaburoro held a joint prayer meeting on Rabi with all Banaban pastors and ministers before the delegation left on Tuesday.

"We are not equipped with firearms, but with the truth," a confident Rev Kaburoro said.

The council, hopeful that it will achieve its aim, has allocated about \$50,000 for this exercise.

THE FIJI TIMES

9/2/79

Fiji Times 27/2/79

## Workers' wages

Sir, — Readers of the Fiji Times who are interested in the position of workers on Ocean Island had an opportunity in the issue of February 21 to judge the relative value of information coming from a politician and from a trained and impartial reporter.

They were able to learn that at a Lautoka meeting Mr Caine said that when he went to Ocean Island he was 'shocked' to learn that a phosphate mine labourer earned only \$60.00 a month."

On another page they were able to read Nemani Delaibatiki's report that "The basic wage is only \$73.00 a month, but the B.P.C. (British Phosphate Commission) provides free education, free medical service, free food rations, free bus transport and free accommodation."

L.G. USHER,  
Suva.

**WORLD NEWS****EIGHT BANABANS ARRESTED***Carberra Times 20.2.79*

# Bomb attacks on Ocean Island

OCEAN ISLAND, Monday (AAP). — Eight Banabans had been arrested since petrol-bomb attacks on phosphate mining equipment on Ocean Island in the Pacific last Thursday night, police said yesterday.

Police said the attacks on the British Phosphate Commission

mining site followed the company's rejection of the minority Banaban community's demand that all mining on the island — part of the Gilbert Islands British Protectorate — should cease immediately.

Police said tension between the Banabans, who claim Ocean Island as their ancestral home, and the majority Gilbertese community was running high since the bombing.

About 200 Banabans and 1,300 Gilbertese live on the island.

The Gilbertese came to the island to work the phosphate mines and the original Banabans inhabitants were moved to Rambi Island in Fiji after mining had made most of Ocean Island uninhabitable.

Police said a Banaban community leader, the Reverend

Kaitangare Kaburoro, was among those detained.

Mr Kaburoro is deputy chairman of the Rambi Council of Leaders.

Police said they used teargas while making arrests.

The British Phosphate Commission's manager, Mr Ronald Elliott, a Briton, was injured while fighting a fire during the incidents.

Police said they had feared

that members of the Banaban community would attack Gilbertese homes after the bombings.

The expatriate Banabans have been agitating for the past 10 years to force the British Government to allow them to resettle on Ocean Island and have objected to British plans to incorporate Ocean Island into an independent Kiribati with the Gilbert Islands on July 12.

Fiji Times 22/11/78

# SAILORS REFUSE TO BUDGE

Rabi Holdings yesterday faced a sit down strike by 43 officers and crew at Princes Wharf as it moved to end immediately its inter-island shipping services.

Officers and crew from captain to cook of the ships Ai Sokula and Tovata staged the wharf protest, claiming they had not received back pay, holiday pay and a 10 per cent arbitration award for a pay rise from October 1, 1977.

They refused to leave their ships until they received every cent owing to them.

Rabi Holdings said in a statement that it was ending its shipping services immediately after deciding on advice from its consultants to scale down trading operations and become more of an investment company in real estate and other properties.

It said it was leasing its two major ships, Ai Sokula and Tovata, to Wong Shipping Ltd.

Its two remaining ships, Nei Kuana and Nei Mon, would be sold as soon as possible.

The company also said it would pay a total of \$18,000 to crew members today.

The secretary of the Maritime Officers and Engineers' Association, Mr Sepesa Bale, said money from the arbitration award had been outstanding for more than three months since the award was made.

He said crew members of Ai Sokula and Tovata were handed notice on Monday and were given only two hours notice of dismissal instead of one month, as required in their agreement.

The crew also wanted Rabi Holdings Ltd to find them alternative work.

Mr Josefa Telua, the representative of all the crew on both the vessels who are not either officers or engineers, said they would sign off only if they were assured of jobs elsewhere.

"And we are not going to move until we receive very cent owed to us by Rabi Holdings Ltd," he said.

Mr Bale said also that the

Marine and Labour Departments had failed to help the crew members despite being asked to do so.

In the notices to the men, Rabi Holdings advises them to seek employment with Wong Shipping.

But a spokesman for this company refused to comment yesterday.

The lease of the two vessels to Wong Shipping will earn Rabi Holdings about \$60,000 a year, according to a Rabi spokesman.

## \$4½m loss by Rabi Holdings

Rabi Holdings Ltd, the Banaban investment company, had lost an estimated \$4,500,000 by the end of September this year, its general manager, Mr Henry Spring, said yesterday.

He told the Fiji Times this after the company issued a statement saying that in future it will be "more of an investment company".

It has decided to "scale down" its business on the advice of consultants, the statement said.

Rabi Holdings was formed by the Banabans about seven years ago as the company from which royalty earnings from mining Ocean Island phosphate would be invested.

The company launched itself into shipping, a grocery store, real estate, engineering and other businesses, but got into managerial problems and lost money badly.

Earlier this year changes in the leadership of the Banabans led to changes in the company's management also.

Mr Spring said Rabi Holdings was immediately suspending its shipping business and had leased its two ships for \$60,000 a year.

Revenue from property rents was earning another \$100,000, and early next year the company would revive its plan to build an eight-floor office block at the corner of Pratt and Joske streets.

Most of its activities would be concentrated in real estate and income from rents and the elimination of overheads would restore the company to profitability.

Mr Spring said reorganisation was still in the preliminary stages.

But Banaban shareholders would get a report on the affairs of the company when an extraordinary meeting was held at Rabi on Friday.



SOME of the 43 crew members of the ships Tovata and Ai Sokula, who are refusing to sign off unless they receive all the money owed to them by Rabi Holdings Ltd and are assured of alternate employment.

# Banabans attend UK talks

Banaban leaders flew to London at the weekend in their latest move to gain independence for their Ocean Island home.

They will attend a conference to negotiate the future of the Gilbert Islands, of which Ocean Island is now part.

British and Gilbertese Government representatives will attend the conference.

The Banabans, who now live on Rabi Island in Fiji, have been invited only as observers.

A Banaban spokesman, Reverend Tabaiti Tawaka, said in Suva the Banaban people were angry about Britain's attitude to their representation at the conference.

"Observer status is unacceptable."

"Debate on the future of Ocean Island will be a major part of the conference and we strongly claim we should have full delegate status," he said.

He objected to British and Gilbertese representatives discussing the status of Ocean Island and said it was a matter for negotiation between the Banabans and Britain.

Rev. Tawaka said the Banabans were invited to attend the talks only 18 days ago, which gave them little time to prepare.

"It is a further indication of Britain's attitude to our claims for political justice," he said.

Mr Tawaka said the Banabans wished the Gilbertese well in their moves for self-determination.

"But they have no right to decide the future of the Banabans and Ocean Island. They are not acting in the spirit of the South Pacific islands.

"Ocean Island is stolen property and should be returned to the rightful owners."

The Banabans were exiled from phosphate-rich Ocean Island after the last war.

They claim the island should never have been made part of the Gilberts.

Rev Tawaka is chairman of the Rabi Council. He will lead a team of eight councillors and an adviser, Mr Karam Ramrakha, a Fiji lawyer.

The Banaban delegation will meet with supporters in London before the conference.

# The Fiji Times

THE FIRST NEWSPAPER PUBLISHED IN THE WORLD TODAY

Suva is just west of the international Date Line where the new day begins

108th Year No. 301

FRIDAY, NOVEMBER 10, 1978

32 PAGES

## THE FIRST TOUCHDOWN AT RABI

RABI Island schoolchildren rush to meet the first aircraft to land on their new airstrip. For many it was the first time they had seen a plane. Fiji Times chief photographer Anne Livingston was one of the passengers on the flight to the new Rabi Island airstrip when Fiji Air made a trial run yesterday. The strip will open up air services for the 3000 people of Rabi, off Buca Bay, between Vanua Levu and Taveuni and 250 miles north-east of Suva. The strip, at Pabiang village, was built by the Rabi people at a cost of \$150,000. Everyone on the island contributed, but they hope to recover some of the cost from the Fiji Government. Fiji Air will fly an Islander service three times a week, charging \$36 for a one-way fare.





# New move on Ocean Island

## 'Ultimate injury' to the Banabans

LONDON. — A British Opposition Member of Parliament has attacked the British Government's latest rejection of the Banaban plea for independent sovereignty of Ocean Island (Banaba), as the ultimate injury to them.

Sir Bernard Braine (Conservative) warned that the British Government should not underestimate the reaction in Fiji to the rejection.

Britain's Foreign Office Minister of State, Lord Goronwy-Roberts, announced the decision at a session on Tuesday of a constitutional conference on independence for the Gilbert Islands.

Fiji is not represented at the conference although the Banabans are Fiji citizens.

The Minister of State said Britain had decided the Banaban homeland would be included within the Gilberts state when it becomes independent in mid-1979.

The Justice for the Banabans Committee of which Sir Bernard Braine is chairman, said here yesterday: "The Banabans' plea for the separation of Banaba from the Gilberts colony with which it was arbitrarily merged by Britain in 1916 has thus been refused.

The British Foreign Office declined immediate comment, saying that details would be published only when the conference ends in about a week.

The 3,500 Banabans who now live on Rabi Island in Fiji have been offered six million sterling compensation by Britain, Australia and New Zealand for the ravaging of Banaba by phosphate mining.

The Gilbert Islands colony has about 60,000 people. Its delegation was against the separation of Banaba from the Gilberts.

Sir Bernard, who attended the conference as an adviser to

the Banaban delegation, said the Government's decision would lead to bitterness and tension within the new Gilbertese state, which would start off on the wrong foot by insisting on coercion of the Banaban people into becoming an unwilling part of it.

The Banabans were not prepared to release Britain from its solemn and binding undertakings of 1947 in which their rights to their ancestral homeland were guaranteed in perpetuity.

Mr Tom Teai, secretary to the Banaban Council of Leaders, said in a press statement that anything apart from the separation of Banaba from the Gilberts would be regarded as death by the Banabans, who felt they had been summoned to a constitutional conference halfway round the world not so much to negotiate a settlement as to justify the British Government in maintaining the status quo on the Banaban issue.

Fiji Times 30/11/78.

## The Fiji Times

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### EDITORIAL COMMENT

## Banabans must look forward

THERE are many in Fiji who will commiserate with the Banabans on the loss of their claim for independent status for their homeland, Ocean Island.

It has been a long and expensive losing battle and a frustrating situation for them, which gives cause for sympathy no matter where you stand on the actual issue.

The defeat comes at a time when the Banabans will feel it sorely.

It is a time when their financial course has become worryingly rocky.

They have lacked the Midas touch which marked some of the Nauruan projects, for instance.

They will need all their resources, human and financial, to secure their future.

But it is time to look at the future and now study closely just what their situation will be in the independent Gilberts and what status and privileges they will have.

They have been promised some safeguards of their rights in the new Gilbertese Constitution.

How will these fit in with the status of the Rabi Islanders, the Banabans of Fiji.

Most of the population of Ocean Island lives in Rabi and has Fiji citizenship.

Fiji does not permit dual citizenship, the practice of many countries.

What will the Gilberts decision be, and how will it affect the people of Rabi?

These are the questions of the future for the Banabans to work on now, without letting disappointment overwhelm them.

PTO

Fiji Times 23/11/78

# Banabans state case in London

## 'Ocean Island still our home'

LONDON. — The Banaban people had undoubted rights and claims to Ocean Island which the British Government must negotiate with them and not with any third party, the Gilbert Islands Constitutional Conference was told yesterday.

The Banaban's leader, the Rev Tebaiti Tawaka, addressing the opening session, said: "We are dispossessed, uprooted people seeking the return of our ancient and spiritual home, Ocean Island. This has been our home from time immemorial, and it remains our home today."

He said the Banabans invitation to the conference and their participation were eloquent proof that their rights and claims were recognised.

"The issue must be discussed between the Banabans and the British Government and resolved before any constitution of the Gilbert Islands could be drawn up," he said. "In no other way could the solemn undertakings which Britain gave to the Banabans concerning their rights be ensured."

The Banabans were their own masters from time immemorial, largely unconnected with and entirely independent of the Gilbert Islands, he said.

As such they were annexed as a separate colony by Britain in 1900, and it was not until 16 years later that it was decided by British officials to merge Ocean Island with the Gilberts for the convenience of the British Government.

"My people suffered privations and hardships in the Second World War, and a British judge has produced in his recent judgment a chronicle of our sufferings and injustices," Mr Tawaka continued.

"For historical reasons, the majority of us now live in Rabi Island, Fiji, after the war, Her Majesty's Government took deliberate steps to prevent our return to Ocean Island.

"We thus face the somewhat unusual situation that while we are citizens of Fiji we have come to London, where sovereignty over our ancestral homeland lies and has done for 78 years to seek the return of our homeland."

Mr Tawaka said Ocean Island should become a separate entity from the Gilbert Islands and remain a colony while the issue of the Gilberts' independence was discussed and resolved.

He said the Banabans enjoyed good relations with Fiji and its people. "Fiji has become a second home for us," he said, "but our hearts are in Ocean Island and we yearn for the day when our island home will be ours and we will rule our own island and shape our destiny as a free, independent people."

The Banaban issue is the first matter to be discussed at the Gilberts conference, which will go into private session after yesterday's opening, and is expected to last about a fortnight.

Carbena Times 9.12.78

### GILBERT ISLANDS

## Britain casts off its last Pacific outpost

LONDON, Friday (AAP-Reuters). — Britain cut loose the most far-flung outpost of its near-vanished empire yesterday with the signing of an independence agreement for the South Pacific Gilbert Islands.

The 33 sparsely-populated islands, straddling the Equator and bisected by the international dateline, cover 14 million square kilometres of ocean.

The agreement, reached between British officials and island leaders during two weeks of talks in London will give the Gilberts independence next July.

The accord rejects a plea by the Banaban people, whose ancestral homeland of Banaba [Ocean Island] has been ravaged by phosphate mining, to separate from the group and become a full colony.

The new Constitution will guarantee the Banabans, who mostly live on the Fijian island of Rabi, a veto on changes affecting their barely-habitable homeland.

Named after the British mariner Thomas Gilbert, who visited the area in 1788, the new republic of Kiribati (pronounced Kiribass) is made up of the Gilbert, Phoenix and Line Islands, which include Christmas Island.

The new republic's only major resource, phosphate from Banaba Island, will run out next year, leaving the island with copra to export and fisheries to develop.

A Foreign Office spokesman said Britain would give development aid equivalent to about \$A26,580,000 from 1979 to 1982. Exceptionally, it would also give \$A9.1 million to meet Budget deficits during the same period.

He said Britain had taken into account that independence would coincide with the sudden end of phosphate revenues.

The Banaban islanders' fight for independence from their neighbours may not be over yet. Their campaigner, British Opposition Labour Party MP, Sir Bernard Braine, has voted to mobilise opposition to the Gilberts' Independence Bill when it comes to the House of Commons for ratification.

# Banabans moved

A group of Banabans arrested after a bomb-throwing incident have been moved from Ocean Island (Banaba) to Tarawa, capital of the Gilbert Islands, for trial.

The British High Commission in Suva confirmed the move yesterday.

A telegram from Deputy Chairman of the Rabi Council of Leaders, the Reverend Caitangare Kaburoro, received in Suva yesterday said 14 Banabans, including himself, another councillor and the assistant secretary, had been arrested and detained until the trial, which was now set for March 19.

Meanwhile, another 150 Banabans are preparing to leave Suva for Ocean Island in the Nauruan vessel Cenpac Rounder next week.

## to Tarawa

Fiji Member of Parliament Mr Fred Caine, who went with a group to the island last month, said in Suva yesterday he would fly to join the new group next weekend.

The Banabans want the British phosphate mining operations on Ocean Island to halt and want independence for the island.

The British Minister of State at the Foreign and Commonwealth Office, Mr Evan Luard, is coming to Fiji on Tuesday, a spokesman for the Banabans said yesterday.

He would have talks with Banabans and Fiji Government representatives.



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*Fiji Times 8/2/78*

# Banabans prepare to battle on

## Bosco may play - Back

## Banaban claims head agenda

LONDON. - The struggle of 2500 Banaban Islanders for separate statehood reaches top level negotiation today when the London conference on the future constitution of the Gilbert Islands opens in Marlborough House.

The Banaban's fight has already won them top billing on the conference agenda, and their nine-man delegation has representative status, instead of the observer role they were originally offered.

The conference is the latest stage in what the British government calls the "de-colonising" of its Pacific Island territories, and follows the granting of independence to the Solomons and Tuvalu.

The British Government has made it clear it wants the Banaba (or Ocean Island) issue dealt with quickly and fully.

It is unlikely, however, that there will be discussion on the Banabans' claims for compensation for phosphate mining on their island home.

Two court actions on this issue have failed and the time for appeal has elapsed, sources say, but an offer of \$10 million in compensation is still open.

- AAP

The Banaban people in Fiji will make fresh attempts to gain support for their struggle about the future of the homeland, Ocean Island (Banaba) in a series of demonstrations in Suva next year.

The new move was announced yesterday by the Banaban's legal adviser, Suva lawyer Mr Karam Ramrakha.

In a constitutional conference in London last month on Gilbertese independence the Rabi Council of Leaders delegation walked out and refused to sign the formal report of the conference.

Mr Ramrakha said they were stunned and shocked at a ruling by the Minister of State for Foreign Affairs, Lord Goronwy-Roberts, that Ocean Island, their traditional home, would remain territorially part of the Gilberts.

The delegation will now have discussions with the Banabans in Fiji to decide the next step.

Mr Ramrakha said the Banabans rejected the right of any third party to decide their future and they held Britain responsible.

They would approach the Fiji Government for assistance.

The Rabi Council of Leaders was still in Britain seeking support and meeting friends and contacts.

He said the walkout and subsequent boycott by the Rabi Council of Leaders meant that for the first time a Constitutional Conference ended on an incomplete note with one party not signing the formal report.

The four suggestions put forward by the Banaban representatives were:

- Banaba to be the home of the Banabans who would own the land in fee simple in perpetuity, and be entitled to maritime fishing rights, and ownership of minerals therein. (This was rejected).

- The Banabans, under their local government in Fiji (the Rabi Council of Leaders), to control non-Banaban presence on Ocean Island. Mr Ramrakha said some half-hearted concession was made to this but it was suggested that the Closed District Ordinance be used. (This legislation was brought in by the British to control presence of Banabans in Ocean Island in 1975).

- Arbitration machinery to consider and remedy any breaches of the first two suggestions. Some concession was made to this, it being suggested by all parties that Fiji should play a hand.

- An inbuilt constitutional right to secede. This was rejected without discussion by the Gilberts.

Meanwhile, a report from London said a newly-launched "Justice for the Banabans" campaign had warned the British Government against "riding roughshod" over the Pacific Islanders.

The campaigners, who include Members of Parliament from all the main British parties, said at a news conference that the Banabans were not prepared to allow the British Government to shuffle off their responsibilities. "The word is littered with the fragments of torn-up institutions," they said in a statement.

"Britain joined Banaba to the Gilberts in 1916 without consulting the Banabans," the statement added. "But in 1947 to induce the Banabans to make a second home on the Fiji Island of Rabi to make way for phosphate mining on Ocean Island, Britain guaranteed the Banabans the right to return to and live upon their Banaban home at any time in the future."

The campaign group, which is headed by Conservative politician Sir Bernard Braine, added in its statement:

"Only the separation of Banaba from the Gilberts can safeguard the Banabans' right to their homeland.

"The Banabans, who are Fiji citizens and as such subjects of Queen Elizabeth, wish Banaba to remain, at least for the time being, a separate British colony rather than become part of a new republic of the Gilberts.

"The 'Justice for the Banabans' campaign has warned the Government that if it is bent upon riding roughshod over the Banabans' legitimate rights it will create tension and unhappiness in the Pacific.

"In addition, the Government will encounter unprecedented difficulties with the passage of the Gilberts Independence Bill in Parliament.

"The trustees of this campaign will not permit the ultimate betrayal of Britain's obligations towards the much-abused Banaban people.

*Fiji Times 22/11/78*

??

# Receiver for Rabi Holdings

The Rabi Island Council of Leaders yesterday appointed a Suva accountant as receiver of its investment company, Rabi Holdings Ltd.

had lost an estimated \$4,500,000.

He is Mr David Maw, a chartered accountant with Peat Marwick Mitchell & Co.

The announcement follows an earlier statement from Rabi Holdings in September last year that the company

When Rabi Holdings was formed about seven years ago it invested the royalties from Ocean Island phosphate into shipping, a grocery store, real estate, and engineering but had managerial problems and lost money.

SIT TIMES 4/1/79

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The Fiji Times

# ANGRY BANABANS REJECT LUARD'S PLAN

From  
**SEONA MARTIN on Rabi Island**

An emotional and angry meeting of more than 1000 Banabans on Rabi Island yesterday rejected the latest three-point plan from the British Government for the future of their ancestral home, Ocean Island (Banaba).

With tears streaming down her face, a middle-aged Banaban woman, Makin Corrie, begged British Government representative Mr Evan Luard to ask the Queen to give back "worthless" Ocean Island so she could die there.

Yesterday's meeting with Under Secretary of State for the British Foreign and Commonwealth Office, Mr Luard, was the first between the ordinary Banaban people and a high British Government representative.

The Banabans and the British delegation sat on mats in the community hall.

Mr Luard, the British High Commissioner, Viscount Dunrossil, and two Aides drove to the hall at Nuku village through lines of silent Banabans, all wearing black armbands.

The meeting was punctuated by cries of "Lies, lies," "No, keep your money," and at one stage the crowd leaped to their feet and shouted "Separation."

Mr Luard's request for a private meeting with Banaban leaders to discuss his proposals was refused.

He then put proposals for safeguards for the Banabans within the Gilbert Islands on independence.

These were:

- That Banaba should have an island council with a full measure of self-government on the island.
- That there should be an international commission to keep the Banaban situation under a review and make



MR LUARD (left) with Banaban representatives on Rabi Island yesterday. — Decisions had already been reached — Page 3.

recommendations on its future.

- The some outside power, perhaps Fiji, should undertake to safeguard the rights of the Banabans.

The chairman of the Rabi Council of Leaders, the Rev Tebaiti Tawaka, rejected the proposals and said the Banabans had heard them all before. They wanted only to discuss separation.

He presented Mr Luard with a letter accusing the British Government of betrayal.

The letter said Mr Luard was forbidden to discuss the only matter the Banabans wanted to raise — autonomy and self-government.

"You not only do us a great injury, you mock us as well," Rev Tawaka said in the letter.

"There is no turning back now from the road we have taken. We are now a people fighting for our very survival as a distinct community.

"The British Government should not underestimate the depth of our commitment to this struggle.

"The Banabans, men, women and children, are as one in the battle for freedom."

Mr Luard "advised" the 150 people leaving Rabi for Banaba in the freighter Cenpac Rounder yesterday to conduct themselves in an "orderly way."

"It would be ill-advised to attempt to damage operations or equipment because the effect could be that the Gilberts Government would be obliged to arrest those concerned," Mr Luard said.

The crowd roared in anger as he said this. Fiji Member of Parliament, Mr Fred Caine, who attended the meeting as Banaban political adviser, said Mr Luard's comments were "ill-advised and inflammatory."

They just added more tension. After the meeting Cenpac Rounder, sailed for Suva and then Banaba with 154 Banabans aboard.

A Banaban spokesman said another group of 150 Banabans would sail for Ocean Island in three weeks time.

**\$15,899**

A generous gift of \$1250 yesterday to the Fiji Times' Solidarity Fund total of \$16,000. The \$1250 came from the Association of Banks in Fiji. This represents \$250 each from the ANZ Bank, Barclays Bank, the Bank of New South Wales and the Bank of New Zealand.

The chairman of the Banks in Fiji Association of Banks in Fiji said: "We know that your appeal is to meet a real need in the community at this time and we wish you every success with it."

Gifts can be sent to the P O Box 1167, Suva, or placed in any Five Fives box in Fiji.

All gifts will be acknowledged in The Fiji Times. The fund was set up to help dependents of any RFMF soldiers hurt or killed during their stay in the Middle East with the United Nations peace-keeping forces.

## ISSUES

EMPLOYERS.... "sit together and talk."  
SUGAR SURPLUS ... "Not serious problem."

THE BANABANS ... "Fiji is in a very difficult position ..."

INDIAN ALLIANCE ... "personality first; ideology second."

This is the Prime Minister speaking in the conclusion of his frank interview with the editor of The Fiji Times.

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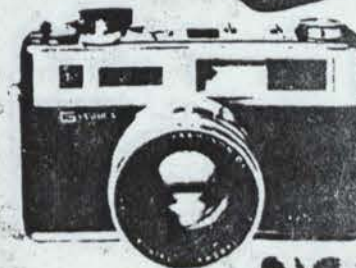
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## EDITORIAL COMMENT

### The British and the Banabans

THE hostile reception that Mr Evan Luard, British Under-Secretary of State for the Foreign and Commonwealth Office, received on Rabi Island yesterday must have given him some idea of the feelings of the Banaban people on his government's decision to hand over Ocean Island to the Gilberts as part of their territory when it attains independence in July.

It is now up to Mr Luard to convey this message to the British Government.

Indeed, if the British Government does not want to leave behind a legacy of hate and continual strife in the South Pacific, it would have to seriously consider revising the plans under which it wants the Gilberts to become independent and Ocean Island to be part of it.

No settlement can be imposed on a people. The British, with all their centuries of colonial administration, surely know this.

The Banabans have flatly rejected the idea of becoming part of the Gilberts. After all, they have had little to do with the Gilberts since they were uprooted from Ocean Island and transplanted on tiny Rabi Island more than 40 years ago.

They have tended to identify themselves more with Fiji, of which most are now citizens. Therefore, their emotional attachment to the island of their birth and to repossess it as an independent state is understandable.

Equally understandable is their wish to have Ocean Island become an associate state of Fiji.

Fiji has no territorial ambitions, but is sympathetic to the Banabans' desire to win back their island home and continue their association with the country of their adoption.

What Mr Luard and the British Government must try to understand is the potentially explosive danger of pushing a small island state into independence when there are already signs of violent resistance and irreconcilable divisions between the peoples they are trying to integrate into a nation.

Such a situation will only provide a fertile ground for political adventurism and exploitation by destructive forces from outside the South Pacific region.

### Terrorism in Pacific

Sir, — In my opinion Freddie Caine will go down in history as the Fiji Parliamentarian who brought terrorism to the Pacific.

By actively supporting the acts of terrorism, Freddie has participated in the practice of sabotage of other people's property if you can't get your own way — be that way right or wrong. Without a very positive and strongly worded condemnation of these acts of terrorism by Fiji citizens by the Alliance Government, many people in Fiji now accept this practice as right and proper (see "Off the Cuff" February 24).

Welcome to Fiji all you foreign and local investors, the oil and copper prospectors. Fiji can now offer you our own home grown, politically led terrorists and saboteurs who will be very quick to throw a bomb at your works if someone thinks they are getting a raw deal, whether it involves you or not.

This time a blown up excavator and burned hands; Next time a gutted sugar mill or an irreplaceable hydro plant. I am sorry to see Rodney Ackraman, a man with a law degree advocating lawlessness, Pacific way or any other way. Civilisation attack with senseless destruction of property and putting life and limb in peril is a return to club law.

If Fiji really feels terrorism is to be condemned, so much so that at the drop of a hat it sends a force to Lebanon to police the results of such acts, then it must introduce legislation to make such acts by Fiji citizens — at home or abroad, a crime with punitive and deterrent sentencing.

Fiji cannot take its rightful place in the community of nations in this world if it encourages and harbours terrorists with impunity.

If our new found politicians, who are drawing Fiji taxpayers' money to look after their constituents in Fiji, want to help deprived people then go along and have a chat with Dr and Shirley Hemming or those wonderful brothers with Father Hurley. They really do need help that Fiji politicians have just got to do something about.

Arthur Jennings and his mates could do with a hand with the blind children too, or Freddie could make his allowance go further by lending a hand with the crippled children at Lautoka. You won't get a picture in the paper though.

COLIN WEAVER, M.P.  
Vuda Point,  
Lautoka.

you make

# BANABAN CLAIM IS RULED OUT

British under secretary of state Mr Evan Luard yesterday ruled out any possibility of Ocean Island independence saying the decision on the matter had "already been reached."

He said he very much regretted that the Banaban leaders were not prepared to discuss Britain's latest three-point proposal with him.

Before going to Rabi Island yesterday afternoon Mr Luard said he was in Fiji to discuss self-government for the Banabans but not independence.

"It doesn't seem very sensible to think in terms of independence for a very small community," Mr Luard said.

Most of the Banabans were living very happily on Rabi and in other parts of Fiji and there were at the most about 100 Banabans on Ocean Island, he said.

The British Government did not consider that the Banaban claims for the separation of Ocean Island

had no basis but it considered the island no different from any other in the Gilberts group.

They have the same language, the same culture, and traditions," he said.

Mr Luard met Fiji's Prime Minister, Ratu Sir Kamisese Mara, last night after returning from Rabi.

"We agreed that the whole situation might look a little different in three to six months time," Mr Luard said.

He said the question of independence for Banaba, which was really a matter for the Gilbert Islands Government to decide on, had already been decided on at the Constitutional conference held in London last year.

Mr Luard said his visit to the Pacific was to discuss how to strengthen existing safeguards for the Banabans if they remained within a united Gilbert Islands, and the

financial provisions that have been made for them.

Asked what British reaction to the petrol-bombing by Banabans on Ocean Island last month were, Mr Luard said the feeling was, mostly that it was "misconceived action" and "quite contrary to the traditions of this part of the world."

Mr Luard will leave today for the Gilbert Islands to hold talks with the Government.

# Banaban rights

1/3/79

Sir — Allow me to express my wishes on the Banabans' violence on Ocean Island.

I, as a Banaban, am very concerned about my race and their national rights.

These people who have been arrested are my people. I'll say that whatever they have done is right. It's their country. They gave warning. So what were all these policemen and Gilbertese people trying to prove in blocking their way?

Banabans and Gilbertese are two different people. I suggest that the Gilbertese stick to the Gilberts and stop exploiting Ocean Island.

It seems that from the day they broke off from Tuvalu (formerly Ellice Islands), they have been interested in Ocean Island. I can't get what's so interesting on Ocean Island. Anyway, if there was anything interesting, what have these Gilbertese people got to do with it? They are from the Gilberts. So what's their business?

The British Government has

## LETTERS TO THE EDITOR

made matters even worse. I think it's not giving us justice and is on the Gilbertese side.

Aren't the Gilbertese people ashamed to claim Ocean Island, as their own?

They should be ashamed for we are many miles apart in distance, custom and all.

JANET CHRISTOPHER,  
Adi Cakobau School,  
Suva.

## LETTERS TO THE EDITOR

the Americans. It's unkind to criticise people who speak with a foreign accent.

RAYMOND C. PILLAI  
USP  
Suva.

## Banaban claims

Sir, — With reference to a letter by Miss J Christopher, we would like to challenge her on her views, which we condemn as utter nonsense!

As Gilbertese, we would like to point out some of the "true facts" that Miss J. Christopher is trying to shy away from. As

far as we Gilbertese are concerned, the so-called Banaban race is an invented one which existed from thugs who were banished from the other islands of the Gilberts, and eventually ended up on another of our uninhabited island — Banaba. And later on, after realising the value of that scattered island, they decided to proclaim themselves as a separate race, but still imitating our traditional cultures and above all — our language. Calling themselves a race BUT without a language! This is what we Gilbertese state as outrageous and shameful.

About the incident which occurred at Ocean Island, it was just another of their usual misfortunes. To be frank, those prisoners really deserve their treat, as they are a menace to society. The phosphate money which our Gilbertese government is receiving, is what we say as a one-tenth compensation for the usage of our scattered island.

So there you are, Miss J Christopher, put into mind that it's worth looking before you leap.

KALE I LANYON

JOSEPHINE COPELAND  
Raiwai  
Suva.

# I'll explain sabotage, says Caine

Fiji Times 2/3/79

Alliance backbencher Mr Fred Caine, who accompanied a Banaban group which went on a sabotage mission to Ocean Island this month, plans to hold a series of public meetings to explain the events on the island.

Mr Caine, talking at Lautoka Hospital, where he was admitted last week, said he would call on all other national seat Members of Parliament representing General Electors to attend the meeting.

He hoped to begin the series of meetings as soon as he is discharged from hospital and would call similar ones in Suva and other southern districts if asked to.

Mr Caine reacted angrily to letters in the Press criticising his involvement in the Banaban dispute which came to a head with bombing of phosphate mining installations on Ocean Island two weeks ago.

"The people who wrote those letters did not even bother to contact me to ask what my role was on the island before sending off their letters," he said.

He would seek legal advice on one particular letter which appeared, he said.

Mr Caine said he would produce more than 2000 handbills giving a full account of events on the island and what role he played in the dispute for distribution to anyone who wanted them.

## Ocean Island adventure

Sir, — I refer to Mr R.W.D. Acraman's outburst concerning Hon. Fred Caine's adventure on Ocean Island.

His cry to the part-Europeans to rally around Mr Caine compels me to answer his letter.

It is difficult to understand Mr Caine's reasons for going to Ocean Island.

I am wondering whether he went as a special emissary of the General Electors? Or a Trade Unionist? Or representative of a vested interest? Or merely as a political entrepreneur seeking the limelight and sensationalism at the expense of jeopardizing the international relationship of this country with another?

Small as we are, the Government of Fiji has laws endeavoured to extend the hand of friendship to all nations. It has succeeded very well. But if we are going to allow every politician to go gallivanting all

over the Pacific fermenting trouble and dissension, then I can only conclude that they are working against the interest of their own country.

Politicians should refrain from meddling in dangerous international politics.

I wish now to take Mr Acraman to task by quoting him. "A crisis situation calls for strong measures and the Banabans' people are now taking them."

Am I given to understand that he supports the law of the jungle? That petrol bombs, sabotage of machinery, disruption of law and order are the only way of the Banabans to achieve the goal?

If this is what he truly believes in then I am disappointed in him. One would think that a man of his calibre should have a little more common sense.

Finally, his un-necessary ludicrous cry of the part-European to back a man who ~~puts~~ himself to the furtherance of destruction is ridiculous.

I much prefer to place my allegiance to the present leadership.

FRED ELBOURNE,  
Rewa Street,  
Suva.

## Banabans in court

Eight Banabans charged in connection with a petrol bombing incident on Ocean Island earlier this month were due to appear in court on Monday, a Banaban spokesman said in Suva yesterday.

They were charged with intimidation and unlawful assembly on February 21, he said.

Meanwhile, another group of 150 Banabans are due to leave for Ocean Island in the Nauru vessel Cenpac Rounder on Saturday.

Banaban leader Reverend Tebati Tawaka has returned from Britain where he was campaigning for the Banaban cause, to organise the departure of the new group.

He said in Suva yesterday that they would strengthen the Banaban presence on Ocean Island, their homeland.

## British official to fly to Rabi

British Under-Secretary of State for the Foreign and Commonwealth Office, Mr Evan Luard, will fly to Rabi tomorrow to talk to Banaban leaders.

Mr Luard was due to arrive in Fiji late yesterday.

British Member of Parliament, Sir Bernard Braine, who supports the Banabans' independence movement, has called the planned discussion "a charade".

In a statement sent from London by Banaban advisors, Sir Bernard said that the Prime Minister of Fiji, Ratu Sir Kamisese Mara, had written to the Minister of State for Foreign and Commonwealth Affairs, Lord Goronwy-Roberts, on February 16 expressing a hope that further dialogue with and between the Gilbertese and Banabans "in order to reach a Pacific solution acceptable to all" could be considered.

Sir Bernard said Lord Goronwy-Roberts' response was narrowly diplomatic and that Evan Luard would discuss safeguards for the Banabans within united Kiribati (independent Gilberts).

This ruled out discussion on independence for the Banaban's home land Ocean Island.

## Banabans

### in court

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Fiji Times 6/3/79

Fiji Times 5/3/79  
An extract letter.

Fiji Times 6/3/79

Fiji Times September 27<sup>th</sup>

## Letters to the EDITOR

### Ocean Is. Royalties

Sir — My Government is most grateful to you for giving us the opportunity of placing before your readers some of the facts relating to the Banaban claims.

I would like if I may to comment on the letter from Mr Teai, Secretary of the Rabi Council of Leaders, published in your issue of September 15.

Mr Teai said that any bad feeling which exists between Fiji and the Gilbert Islands must arise from events which either the Government of Fiji or the Banabans exercise any control.

Perhaps Mr Teai would like to inform your readers who instigated the ban on flights to Tarawa, thus cutting off the air link between Fiji and the Gilbert Islands. Certainly this was not done by the Government of Fiji.

Is Mr Teai suggesting that it is beyond the power of the Banaban leaders to have this ban, which was allegedly assigned to support their cause, called off?

I suggest that the Rabi Council accept the responsibility which is theirs, and not try to pretend otherwise.

Mr Teai also referred to the Gilbert Islands "phosphate millions."

The Gilbert Islands have deliberately created a reserve

fund from phosphate revenue by husbanding such resources as we could afford for the future. We call the fund the 'revenue equalisation reserve fund' because we hope to use the interest from it to balance our budget when phosphate revenue runs out.

We obtained \$55,142,000 from phosphate revenue between 1945 (when the Banabans moved to Rabi) and 1975.

At the end of 1975 our reserve fund was worth \$32,775,000 — and would have been worth considerably more but for the fall in the value of sterling.

On these figures we have, therefore, used an average of \$750,000 a year over a period of thirty years on recurrent governments expenditure and saved the rest.

Over the same period the Banabans received \$11,604,000.

I don't know what has happened to it because, unlike my Government, the Rabi Council does not publish accounts.

Would they care to explain to the citizens of Fiji precisely how they have spent their tax-free royalties? Has this money, for example, been spent on the development of the villages on the fertile island of Rabi?

Surely the Fijian villager and Indian cane farmer, whose support the Banabans are canvassing, have a right to

know what the Rabi Council has been doing with the millions they have already received as a result of Banaban ownership of land on Ocean Island.

So let Mr Teai not cast envious eyes on the money which we have wisely saved, and imply that we have somehow acquired riches denied to the Banabans.

There are 60,000 Gilbertese living in the Gilberts, and only 2,000 inhabitants on Rabi, so that over 30 years since they came to Fiji each Rabi islander has received \$5802 compared with the \$919 received by each person in the Gilbert Islands, most of which remains intact.

Finally, Mr Teai says: "We will try to preserve friendship with everyone."

Friendship is measured by deeds and not by words. Despite the injury done to the Gilbertese people by the imposition of the ban on Air Pacific flights to the Gilberts, the House of Assembly in Tarawa has recently agreed — admittedly with considerable reluctance — to pay the Banabans more than \$A1,300,000 following an agreement signed in July to alter the terms of arrangements made in 1973, according to which the Banabans would not have been entitled to this money until the end of phosphate mining in 1978 or 1979.

Perhaps the Rabi Council would like to acknowledge the generosity, in the circumstances, of this action, and indicate what they in turn

propose to do in their pursuit of "friendship with everyone."  
— OTIUEA TANENTOA,  
Minister for Commerce and Industry, Gilbert Islands Government.

Fiji Times 30<sup>th</sup> September

## Letters to the EDITOR

### Banabans hit back

Sir — Mr Otiuea Tanentoa, Minister for Commerce and Industry in the Gilbert Islands Colony, obviously would like to shift the focus of attention from the Banaban demand for independence for Ocean Island.

He is seeking to do so by arguing the financial needs of the colony versus those of the Banabans (Fiji Times September 27).

The colony would have had to manage without revenue from Banaban phosphate had not our island been annexed by Britain and included in the Gilberts under pressure from British commercial interests eager to exploit its mineral wealth.

Until its riches were realised, neither the Gilberts nor Britain wanted to know about Ocean Island. The only reason for the early phosphate mining company urging Britain to take over was to keep rivals from other countries out.

Before many years had passed, they were objecting

that Ocean Island was not really one of the Gilberts, that it had been included only at their request and that far too much money was being sucked out of the phosphate industry to pay for the increasingly expensive administration of island that ought to support themselves by producing copra.

Mr Otiuea Tanentoa in effect is saying: "We Gilbertese know that the wealth was originally the Banabans' but we need it more than they do so we have a right to help ourselves."

We Banabans, after 76 years of being exploited, crave the right of self determination, but the greed of others denies us that simple justice.

Mr Tanentoa also claims that the colony has acted generously in making available to us \$A1300 of our own money instead of keeping us waiting for it until 1978 or 1979.

We are content to let your readers judge just how "generous" the colony is being.

The circumstances were that in 1973 we obtained an advance on our expected royalties and repayments were to be deducted at an agreed rate from royalties as they fell due.

If we had underpaid by the time phosphate mining ended we would have to make an adjustment: if we had overpaid, the Gilbert Islands Government would have to make a refund. Neither way was a very big sum likely to be involved.

The rate of repayment was to be geared to the price of phosphate. That price rose so dramatically that by about the middle of this year we suddenly realised that we had not only repaid the advance but more than \$1300 too much.

The colony had kept quiet about that. When we asked for our money back we found they had used it.

They tried to fall back on the excuse that they were not obliged to repay until mining ended — an arrangement made when it seemed that a final balancing would have to wait until then.

When we pointed out that the necessity for that had ceased when we cleared off, our advance they said the best they could do was to pay us

in instalments. We accepted. Perhaps it was we who were generous? T. Teai, secretary, Rabi Council of Leaders



# Britain still refusing to talk, say Banabans

British Minister for State Lord Goronwy-Roberts is still refusing to negotiate with Banaban representatives in London on the future of Ocean Island, according to Banaban leaders.

The deadlock was first reported a week ago and Banaban leaders in Suva received confirmation of the situation at the end of last week.

The Banabans said Lord Goronwy-Roberts, Minister of State at the Foreign and Commonwealth Office, was refusing to see their representative, the Rev. Tebuke Rotan, unless they obtained an assurance from Fiji trade unionists that they would not reimpose a ban on air traffic to the Gilbert Islands.

The British High Commissioner in Fiji, Mr Stanley Arthur, disputed the statement.

He said that all the Banabans had been asked for was an

assurance that they would not ask the unions to reintroduce the ban and would not support its reimposition.

According to the latest message from the Rev. Tebuke Rotan to the Rabi Council of Leaders in Suva, a letter from Lord Goronwy-Roberts' office said Britain was anxious to continue discussions on Ocean Island but could not negotiate under duress, or the threat of duress.

## 2 MEETINGS

Mr Tebuke had replied that the Banabans were not responsible for anything the Fiji trades unions had done in the past or might do in future.

The Banaban people were not applying duress nor

threatening to do so.

There had been two meetings during the Fiji Council of Trade Unions ban, but at neither time did Lord Goronwy-Roberts suggest he considered he was under duress.

The FCTU lifted the ban in August, but when Mr Tebuke arrived in London later his request to see Lord Goronwy-Roberts was refused.

"I cannot accept that if he did not consider himself under duress from the Banaban people in July when the FCTU ban was in force it can be claimed with any credibility that he is under duress today with the ban lifted," Mr Tebuke said.

# Banaban claims

Sir, — If, by "a family matter," Mr Bwebwetake Arieta (Letters, November 1) simply means that there has been intermarriage between Gilbertese and Banabans I have no wish to challenge him. But if he means that we are all Gilbertese then challenge him I do.

In that sense, our claim for independence for Banaba is not a family matter.

Intermarriage is not disputed. Gilbertese men, brought to Banaba as phosphate labourers, married Banaban women.

The British, to solve what they referred to officially as "the Banaban problem," devised a deliberate policy of encouraging marriages between Gilbertese and Banabans.

Their intention, as

nobody would have to bother about finding another island for us. So Mr Arieta should not try to make political capital out of such mixed marriages.

Certainly we can give Mr Arieta a list of Banaban families in Rabi who have no family connection with the Gilberts. The most notable person to come to mind in that respect is our council chairman.

So far as our over-payment of \$1,300,000 Australian is concerned I can say that if the Gilberts Government did write to us about it, as Mr Arieta claims, they must have forgotten to post the letter.

Our first knowledge of the over-payment came through our own economic advisers. There was an awkward silence by the Gilbertese when we brought the matter up at a meeting in Tarawa, a meeting called primarily to discuss other phosphate matters, not the over-payment. — T. TEAI, Secretary, Rabi Council of Leaders.

# Britain to talk to Banabans

LONDON. — Britain has withdrawn an earlier refusal to meet a representative of the Banabans in London soon, a Foreign Office spokesman said here yesterday.

The 3000 Banabans, who used to live on Ocean Island in the Pacific want their former homeland, rich in phosphate, to be separated from the Gilbert Islands so that it can become a separate state associated with Fiji.

The Banabans' representative here, the Reverend Tebuke

Rotan, said last month that Lord Goronwy-Roberts, a Foreign Office Minister of State, had told him he would not meet him until the Banaban Council had formerly asked the Fiji trade unions not to impose another go-slow on planes bound for the Gilbert Islands — in sympathy with the Banaban cause.

The ban was imposed in mid-July and lifted about a month later.

The British spokesman said that during the past fortnight

the Banaban Council of Leaders had told the Foreign Office here that it did not ask for the ban on communications and would be unlikely to think it right to do so in the future.

Consequently, Lord Goronwy-Roberts was informing Mr Rotan here that he would be prepared to see him on the basis of this assurance, the spokesman added.

No date for a meeting has yet been fixed.

— AAP-Reuters.

## Correct figure

Sir, — Thank you very much for the space you gave my letter in your issue of Thursday.

Because of a typing error in this office the figure \$A1300 appeared in print, whereas the correct figure is \$A1,300,000.

We would very much like your readers to know that it was not that comparatively small sum of \$A1300 that the Gilberts had omitted to tell us that we had overpaid but the very considerable one of \$A1,300,000. — T. TEAI, Secretary, Rabi Council of Leaders.

31/10/76

FIRST TIMES 6/10/76

FIRST TIMES 1/11/76

## Ocean Is royalties

Sir — Mr Teai's letter (Fiji Times, October 22) has been brought to my attention while attending the South Pacific Conference in Noumea and I should be grateful for the opportunity to reply.

It is correct that we regard the dispute with the Banabans as a family matter and one which should be resolved between ourselves. If Mr Teai denies the family relationship perhaps he could list those Banaban families who are without relatives in the other Gilbert Islands.

As to the payment by the Gilbert Islands of \$1,300,000 to the Rabi Council, Mr Teai's idea of the truth bears little resemblance to the facts.

In terms of an agreement freely entered into by the Rabi Council this money was neither due nor payable until phosphate mining on Ocean Island was completed.

However, it came to my Government's notice that the Rabi Council was in financial difficulties and on our own initiative we wrote to the Rabi Council asking if we could help by bringing forward these payments.

While we did not receive the courtesy of a reply we subsequently heard through the British Government that the Rabi Council would like a meeting on the matter and we readily agreed.

In our present economic circumstances it has not been easy for us to bring forward the payment of \$1,300,000 and for all the thanks we get from Mr Teai one cannot help but wonder whether our sympathy was not misplaced. — BWEBWETAKE AREIETA, Minister for Communications, Works and Utilities, Gilbert Islands Government.

## No family matter

Sir, — I do not wish Mr Otiuca Tanentoa would stop referring to the Banabans' dispute with the Gilberts as a family matter.

The relationship, in the sense that he is so persistently trying to establish, does not exist.

And the truth concerning the \$A1,300,000 of Banaban money that his Government used for its own purposes is as I stated in my previous letter. The initiative that led to the Gilberts Government grudgingly agreeing to repay it (in instalments) came from an approach to the Foreign and Commonwealth Office after we had realised how much we had overpaid.

Britain referred the matter to the Gilberts, resulting in an invitation to us to go to Tarawa for talks that included not only the money but several other matters relating to the Ocean Island phosphate industry. — THOMAS TEAI, Rabi Council of Leaders.

FIRST TIMES 22/10/76



MARCHING under the slogan "No Gilbertese rule for Banaba," Rabi Island Council members lead the Banaban protest march in Suva yesterday.

# 2500 RALLY IN SUPPORT OF BANABA

Fiji's Banaban community yesterday organised a colourful, carefully staged and resounding condemnation in Suva of their exclusion from constitutional talks between Britain and the Gilbert Islands which open in London today.

A procession of about 1000 people, led by a Banaban brass band and young dancing girls and men in traditional dress marched from Albert Park to the Suva Civic Centre to deliver a petition to the British High Commissioner in Fiji, Mr Stanley Arthur, for forwarding to London.

They followed a man carrying a placard saying: "No Gilbertese rule for Banaba."

Outside the Civic Centre, where the British High Commission has its office, the chairman of the Rabi Island Council, Mr Rotan Tito, told about 2500 listeners:

"We seek independence for Ocean Island because we do not wish to lose our right of ownership or freedom of access to our ancestral home."

He accused Britain of breaking a promise to involve the Banabans in talks on independence for the Gilbert Islands, of which Ocean Island, also known by its people as Banaba, is politically a part.

## PREJUDICE

In a statement also issued yesterday, Mr Arthur denied that Britain was ignoring the Banaban position.

The London talks with the Gilbertese delegation were entirely about internal self-government for the

Gilberts, not independence, he said.

"None of the decisions likely to be taken at the talks will in any way prejudice Banaban interests, including Her Majesty's Government's special relationship with, and undertakings to, the Banabans," he said.

He said Banaban representation at the talks was therefore inappropriate.

However, as a reassurance, the British Government would let them see a draft Order-in-Council for Gilbertese self-government so that they could comment on relevant passages before it went to the Privy Council in October.

The Banaban petition was delivered to the High Commission Office by Mr Tito and three other members of the island council.

Mr Arthur did not come out to receive it.

A Banaban spokesman Mr Tekoti Rotan told the Fiji Times: "We asked him to receive it in public."

He said: "No, you will be met at the door and taken to my office because I don't want any publicity."

The demonstration, shepherded without in-

# AIR BAN MAY DO HARM TO BANABA

A Fiji trade union ban on air services to the Gilbert Islands may mean a setback for the Banaban people in their fight for a better deal from Britain on the future of their Ocean Island homeland.

The British Minister of State in the Foreign and Commonwealth Office, Lord Goronwy-Roberts, was due to discuss the Ocean Island issue with the Prime Minister, Ratu Sir Kamisese Mara, at lunch in Suva tomorrow.

But yesterday he suddenly cancelled the meeting — possibly after hearing that the Fiji Council of Trade Unions might interfere with his travel.

The Prime Minister told a news conference yesterday afternoon that at a meeting he had with an FCTU executive delegation in the morning, he had been told the ban on the British ministerial party was cancelled.

But the British had very diplomatically said the minister had been forced to change his itinerary and that he would have time for the meeting in Wellington or Canberra next week.

The FCTU's change of mind had come too late to change the minister's decision not to stop in Suva.

"I don't know what has happened to the Rabi cause," the Prime Minister said.

"It seems to be too many people doing too much in different directions."

A spokesman for the FCTU told the Fiji Times the ban on the British

minister had been lifted at the request of the Banaban Council of Leaders.

But the ban on handling planes destined for the Gilberts would continue.

The British High Commissioner in Suva, Mr Stanley Arthur, said Lord Goronwy-Roberts could not now visit Suva because domestic difficulties had held him up in London.

At the lunch set for tomorrow, the Prime Minister and British minister would have discussed the Banaban plea for the independence of Ocean Island and their objections to being excluded from talks between Britain and the Gilberts on self-government for the Gilberts.

## EFFORTS UNDERMINED

The Gilberts are due to get self-government in October.

The Banabans claim this will make it impossible to secure independence for Ocean Island before the Gilbertese attain total independence.

The FCTU put a ban on the handling of aircraft flying to the Gilberts in sympathy with the Banabans.

Ratu Sir Kamisese told the news conference that the ban had undermined the efforts he had made at the Nauru South Pacific Forum meeting to help the Banabans.

Before and after the forum he asked the Banaban leaders to get the FCTU to lift the ban.

But the message had apparently not got to the unions.

When he raised the Ocean Island

matter at the forum he did not get any support.

Forum delegates told him that one reason for their reluctance to support Air Pacific as a regional airline was that an industrial dispute in Fiji could "gum up" the whole region's communications.

Ratu Sir Kamisese, who has been acting as an intermediary in the Ocean Island row at the request of all sides, said Lord Goronwy-Roberts was willing to see him in Wellington next Monday and Tuesday or in Canberra next Friday.

Noting trade union intervention in the dispute and marches staged by the Banabans, he said all were "pulling in different directions and I don't think we are doing any good for the Rabi case."

He saw nothing wrong with the Suva demonstration by the Banabans last month in support of their case.

He thought they made their point.

Asked whether he thought the Banabans were going too far in their agitation, the Prime Minister said they felt they had only three months left in which to get what they wanted.

"They are desperate," he said. "They want to be heard."

"I can only say that whatever we may think is overdue at present, it is an act of a desperate people and I would be desperate if I was in their case."

Fiji Times 22/7/76.

## FTUC support

Sir — The Fiji Trades Union Congress has been keenly following the struggle of the Banabans for freedom which was highlighted by the recent demonstrations in Suva.

The FTUC fully sympathises with the Banabans cause and commits itself to giving them all necessary support in their fight for freedom.

The FTUC is requesting the British Trades Union Congress to make representation to the British Government to set the Banabans free, thus saving them from being obliterated as a race.

The management board of the FTUC will be meeting shortly to consider taking direct action locally in support of the Banabans' cause.

We call on the British Government to stop perpetuating colonialism and hand over Ocean Island to the Banabans, to whom it belongs.  
— JAMES RAMAN, national secretary, FTUC.

## Banaban thank you

Sir — The Banaban community wishes to express its heartfelt thanks to all the people of Fiji who marched with the Banabans on Wednesday last week in support of their long struggle to right the injustices perpetrated on them under a colonial regime.

In addition to being a historic milestone in the Banabans' long march towards freedom, the protest served notice to Britain in the strongest possible terms that our cause lacks neither sympathy nor support and that we do not stand alone.

We reaffirm our intention to fight on, heartened by the overwhelming encouragement of our hosts, the people of Fiji.  
— T. TEAL, Secretary, Rabi Council of Leaders.

IDDNI ID  
**FLOTSAM & JETSAM**

WHILE the Banabans staged their public relations demonstration outside the British High Commission, in Suva on Wednesday, much to the interest and enjoyment of about 2000 lookers-on, high commissions staff stayed behind curtained windows inside.

One of the Banabans' public relations advisers had a bit of free advice for the high commissioner.

He reckoned it would have made for a nice friendly little goodwill gesture had the high commissioner agreed to receive the Banaban petition outside in public, instead of sitting stiff and tight-lipped at his desk waiting for the Banabans to be ushered in to him. *How Stupid of him!*

# FJI TIMES

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FRIDAY, JULY 16, 1976

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# LONDON DEAL SHOCKS BANABANS

Banaban leaders in Fiji yesterday vowed to continue fighting for the independence of Ocean Island, after hearing that a London constitutional conference had agreed on self-government for the Gilbert Islands.

And they said they were "astounded" that Gilbertese leaders could have come to an agreement with Britain in only six hours of talks.

AAP-Reuters reported from London yesterday that Britain had agreed to grant internal self-government to the Gilbert Islands in November as a prelude to complete independence, subject to parliamentary approval, in 1978.

The secretary of the Rabi Council of Leaders, Mr Thomas Teai, said his people had been told the London meeting would last for at least two days.

"The haste with which they were pushed through suggest that the parties wanted to get them over before there could be any public reaction to the petition we presented yesterday to the British High Commissioner in Suva," he said.

On Wednesday the Banabans delivered a for-

mal petition to the high commissioner, for despatch to London, protesting against the exclusion of the Banabans from the London talks and repeating their demand for the separation of Ocean Island from Gilbertese administration, and independence for it.

Mr Teai said the high commissioner, Mr Stanley Arthur, had said the petition would be in London within a few hours.

"It could well have been there before the talks opened," Mr Teai said.

"It appears to have been totally disregarded. The Banabans are united in their determination to resist in any way open to them the transfer of sovereignty over Banaba (Ocean Island) to the Gilberts."

He questioned also the validity of the grounds on which Britain said the Banabans should be excluded from the constitutional talks.

They felt it was "entirely appropriate" that they should have been invited to the talks in London because internal self-government for the Gilberts would obviously cover Ocean Island.

Mr Arthur had said the

talks were entirely about Gilbertese internal self-government, and it was inappropriate that the Banabans attend because their interests would not be affected.

He said the Banabans would be shown a draft order-in-council for the internal self-government constitution before it went to the Privy Council.

Mr Teai said the Banabans felt the British attitude was an opening through which the Gilbertese could win control of their island.

# RABI LOSES FIRST ROUND

Fiji Times  
December 2nd

LONDON. — The Banabans yesterday lost the first part of their suit against the British Government and British Phosphate Commissioners (BPC) over devastation of their homeland by mining.

The Banabans, former inhabitants of Ocean Island in the Pacific, had asked for 21 million sterling (about \$30 million) extra mining royalties.

They accused the British Crown of failing to see they received proper payment for the exploitation from phosphate mining of the island between 1900 and 1973, and demanded a fairer share of the profits.

But Judge Robert Megarry, giving judgment during Britain's longest and costliest court case, ruled that the Crown had no financial duty towards the Banabans.

The Crown's obligation was govern-

## Court has no powers

mental and although there had been grave breaches of that obligation, the court was powerless to do anything about it. Such obligations were not enforceable in the courts, he said.

But the judge added: "Justice is not confined to what is enforceable in the courts."

"I shall accordingly leave the Attorney-General to make such communications to other persons concerned as he considers proper."

Judge Megarry has 2½ more days to rule on the second part of the case.

Earlier yesterday, a Banaban leader, the Rev. Tebuke Rotan, listened in court as the judge told how in

1965 he led a potential murder squad of islanders bent on ridding themselves of their British adviser, a Mr Laxton, and his Banaban followers.

The judge said they had planned to burn Mr Laxton's house and put him on the seashore to wait for the British Government to pick him up.

The plan, said the judge, was for the wholesale murder of fellow countrymen with different political, economic or social views in order to prevent the minority becoming the majority.

Only the prompt action of a Fiji district officer prevented any actual uprising.

Judge Megarry added: "A feeling of desperation, however exaggerated, may explain though not justify some of the excesses in their actions."

— AAP-Reuters.

Fiji Times - September 13th

## Islanders' £21M claim for royalties rejected

THE GUARDIAN 1ST DECEMBER 1976

By CHRISTOPHER SWEENEY

The tiny Ocean Island community which sued the British Government over the destruction of their homeland by phosphate mining yesterday lost their £21 million claim for extra royalties.

In the High Court, the Vice-Chancellor, Sir Robert Megarry, ruled that the crown had no financial obligations to the 3,100 Banabans who formerly occupied the 1,500 acre island in the Pacific. But he made a thinly veiled appeal to the British Government for some recompense for the islanders who brought the case, the longest civil action in High Court history.

In his judgment Sir Robert said that because of the legal position of the courts in relation to the Crown he was pow-

erless to do anything over the claim. But he said that in litigation in which the Attorney-General was a party a judge ought to direct attention to what he considered to be a wrong that he could not right. "I shall accordingly leave the Attorney-General to make such communications to other persons concerned as he considers proper."

Sir Robert said that the islanders had reached a high level of excitement over the claim, as shown by evidence about a plot to murder a Banaban in Fiji who was in dispute over the lawsuit with the rest of the community.

In his judgment Sir Robert ruled that the Crown's obligation over the phosphate dispute was governmental and such an obligation was not enforceable

by the court. He strongly criticised the former administrators of the colony, observing that there had been "grave breaches" of the crown's obligation to the islanders.

The 100,000 word judgment is expected to conclude on Friday, when a ruling will be given on the second of the Banabans' claims which would require the British Government and the British phosphate commissioners to provide compensation to make the island habitable again, with reforestation and soil regeneration.

The ruling yesterday will be a bitter blow to the islanders, who raised £700,000 to pay the costs of the case. They have been in dispute with the British Government since the 1920s and regarded the High Court case as their "last hope."

## The Fiji Times

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### EDITORIAL COMMENT

## Independence for Banaba?

NOW, many people must be getting bored with news of the Banabans and their claims for the independence of Ocean Island and all the revenue, which they now share with the Gilbert Islands, earned by their island's phosphate.

But the Banabans do genuinely have much to be indignant about and their case is being treated seriously by a London high court.

They have a good chance of winning an action which could bring them \$20 million or more in damages for what mining has done to their island.

They are less likely, judging by a Gilbert Islands Government statement last week, to get Ocean Island separated from the 16 other islands of the Gilbert group.

Good luck to them in their claim for damages. But in saying they should also get sovereignty over Ocean Island, plus some sort of dual Fiji Banaban nationality, they may be pressing their claim too far.

The Banabans accepted Fiji citizenship unconditionally in 1970, so why should they expect privileges of dual nationality which no other citizen of this country is allowed?

And really, how many Banabans care about what happens to the minute, remote and desolate bit of rock that some call home once no more phosphate money is to be dug from it?

Many young Banabans have never seen the island, but from what they have heard they are probably secretly horrified at the thought of living there permanently.

The Ocean Island row is already causing bad feeling between Fiji and the Gilberts.

If the Banabans have a case, so do the Gilberts. Good neighbour policy demands that Fiji should recognise and treat the peculiar social and economic problems faced by the Gilberts with great sympathy.

When all is said and done the Banabans are secure on Rabi and have phosphate millions in the bank, with the prospect of more to come.

Would it be too much to ask them to be thankful with what they have got and, acting as Fiji Islanders, help preserve friendship between two countries by forgetting the idea of a Banaban state?

# Exiled islanders fight for a barren home

**A**FTER the longest and costliest court case in British legal history, a High Court judge is pondering a decision that could end 30 years of exile for a remote race of Pacific Ocean islanders.

Senior Judge Sir Robert Megarry is sitting in his office wading through the millions of words of evidence taken over 221 days of this marathon hearing that has cost an estimated \$1 million in legal fees alone.

Meanwhile on the tropical Fijian island of Rabi — a day's trip by sailing canoe from Suva — 2000 islanders wait for the word that could make them \$30 million richer, and return them to their homeland.

Tito and others versus Waddell and others — as the case has been discreetly billed on the High Court notice-board — has been one of the most complex and colorful in the recent history of this stuffy and tradition-bound jurisdiction.

"Tito and others" are the 2000 former inhabitants of Ocean Island, a barren coral island 2000 miles off the north Queensland coast in the British-owned Gilbert and Ellice group.

"Waddell and others" are the British Phosphate Commissioners — representatives of the British, Australian and New Zealand Governments — who since 1920 have been exploiting the island's only asset: its gigantic deposits of bird-droppings, guano, phosphate.

Since 1900, when a young geologist analysed a rock used as a doorstep in a Melbourne office as near-pure phosphate and went looking for its source, BPC and the private company that preceded it have ripped millions of tons of the stuff from the island.

Leaving the place — according to islanders who bought their first suits and made their first overseas trips to London for the court case — looking like a rotten tooth from which the filling has dropped.

In 1967 the Banabans (that's the name of the Ocean Islanders) decided they had had enough,



Our roving correspondent **BEN HILLS** reports from London on a court case that could give back a home to a race of Pacific islanders.

and came to London to pursue their claim in court.

Said the Times: "Everyone is so excited on Rabi that work will practically stop until the return of Mr. Tito."

Hopefully that was an exaggeration. It's now nine years since the first legal steps were taken, and Sir Robert Megarry is not expected to give his decision for four or five months. Appeals against this could drag a final settlement into the 1980s.

The Banabans are basically claiming that the British Phosphate Commissioners cheated them out of about \$30 million in royalties and failed to honor an obligation in an agreement (signed by the Banabans with a series of crosses) to restore the island after mining.

The Banabans are led by 75-year-old Rotan Tito, and his son, Tebuke Rotan, a Methodist minister who learned English especially to prosecute the case. They now live in exile with most of the other Banabans on Rabi Island, 1600 miles away from Ocean Island.

Ocean Island, 1500 acres of scrub, coconut farm and native villages, was virtually taken away from the Banabans in one of the last swashbuckling acts of exploitation by the British Raj.

In 1900 the largely illiterate islanders were persuaded to sign away their phosphate for £50 a year. King Edward VII gave the British Pacific Island his blessing (for a royalty of sixpence a ton) and claimed the island as a colony.

About 1920 the three Governments (Britain, Australia and New Zealand) set up the British Phosphate Commissioners and bought the mining rights for £3.5

million. There were ugly whispers of corruption at the time.

No precise figures have been produced on the millions of tons of phosphate which have been gouged out of the island, or the tens of millions of dollars it was worth.

Britain largely used its whack to finance the colonial government of the Gilbert and Ellice Islands. Australia and New Zealand handed it on as dirt-cheap phosphate for their farmers.

The excavations, which have become increasingly sophisticated, using bucket dredges, a crushing plant, and a conveyor-belt ship-loading system, have turned a third of the island into a lunar wasteland, with pinnacles of coral and 60-ft. deep craters.

The Banabans have not been there to see the devastation. The Japanese occupied the island during the war (no one really knows why — they never mined the phosphate) and immediately deported all the Banabans.

When Brigadier J. R. Stevenson arrived on the Australian frigate *Diamantina* in 1945 to accept the surrender of the Japanese he was surprised to find the Banabans gone, and the only inhabitants the 513 Japanese.

After the Banabans had been located on other islands, the British Government took £25,000 from the Banaban trust fund and bought them another island. They bought Rabi from the soap empire Lever Brothers.

The phosphate mining continued (the royalties eventually reached the staggering figure of 20 cents a ton) with a work-force brought over from the Gilbert islands. The Banabans voted to stay on Rabi . . . but retained the right to return home at some stage.

The point is — what have they got to go home to when the phosphate deposits are worked out, probably by 1978? Just a hole in the ground, and a few million in the bank (royalties under a vastly better deal negotiated in 1973 will be about \$3 million this year).

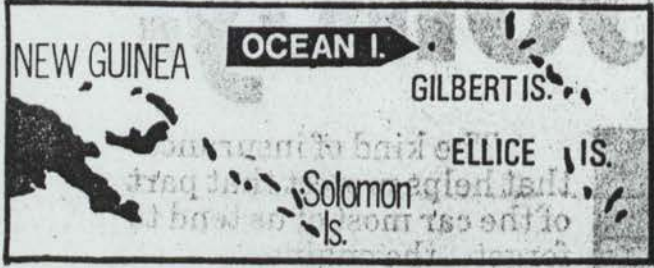
Ocean Island is not exactly your south seas jewel. There's no fresh water (there was, but mining operations have smashed the underground water caves), no port, and nothing much growing. Most of the coconut trees—the island's staple foodcrop—have been bulldozed.

The Banabans have great plans to restore the place, set up a desalination plant, import shiploads of top-soil, establish a fishing industry. But to do this they need big money . . . and that's what the court case is all about.

A sidelight of all this is that Ocean Island has been incorporated in the Gilbert Islands colony, which is expected to become independent later this year. If the Banabans win their case, the Gilbertese will lose about half their national wealth at a stroke.

The Banabans say that's tough. If they win they intend to declare separate nationhood (and since only a few hundred Banabans would return it would have to be the smallest independent country in the world) and to seek an association with Fiji.

These are the issues the judge, who, along with assorted lawyers, experts and a BBC television team spent several days rambling over the island, is weighing up, while the Banabans continue their 30-year wait.

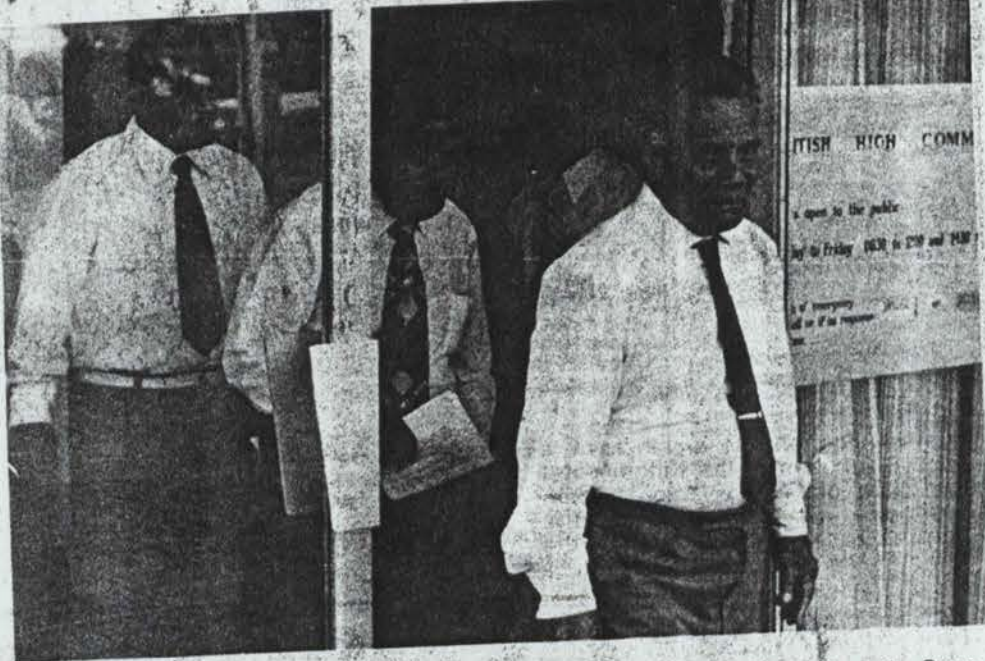


Excerpts from the Fiji Times  
of Thursday, 15th July,  
1976.

(I am told, though I cannot vouch for it that a number of Fijians were paid or enticed by food, to come! and swell the crowd).

*Footnote*

# THOUSANDS BACK BANABANS



ABOVE: Banaban leaders leave the British High Commission offices in Suva after presenting their petition yesterday. BELOW: Supporters get their message across.



## ● FROM P1

cident by large numbers of police, was to underline the Banaban demand for the separation of Ocean Island, their homeland, from the Gilberts as an independent state.

The petition given to Mr Arthur complained that the Banabans knew nothing about a legal order which would make their island a "mere district" of the self-governing Gilberts.

## PROTEST

The Gilberts had never ruled the island and Britain's motive was to avoid her own direct financial responsibilities to the Gilbertese by giving them control of its phosphate wealth, the petition claimed.

Delegation from 13 Fijian provinces, the Fiji National Youth Council, ex-servicemen and the Methodist Church joined the protest procession.

## MINISTERS

Two Fiji Government Ministers, the Minister for Fijian Affairs, Ratu William Toganivalu, and the Minister for Agriculture, Ratu Josua Toganivalu, were among people seated on a speaking platform outside the Civic Centre.

Declaring support for the Banaban cause one speaker, the Mayor of Suva, Cr Len Usher, expressed amazement that they were being excluded from the London talks.

Other expressions of support for the Banabans came from the president of the National Federation Party, Mrs Irene Jai Narayan, and the leader of the Fijian Nationalist Party, Mr Sakiasi Butadroka.

*many, many, elected Ministers!*

# 'SUCCESS' FOR BANABAN TRIP

A trip to foster goodwill and create a deeper understanding between the Banabans in Fiji and the Gilbert and Ellice islanders on Ocean Island was a great success, according to the leader of the expedition, Mr Tekoti Rotan.

The group of 83 which left for the island earlier this month, consisted mainly of the Banaban dancing group.

Mr Rotan told the Fiji Times: "I strongly feel that the whole purpose of our recent trip has been achieved.

"This was clearly shown by the support and help we had from the people we visited and the fact that people were demanding more at the end of each performance."

## BIRTHDAY

Mr Rotan said the group stayed on Ocean Island for four days, and visited Nauru and then Tarawa at the invitation of the Gilbert and Ellice Islands Colony.

On Ocean Island, island groups working with the British Phosphate Commission came to welcome them, he said.

Mr Rotan said that during their stay at Nauru, the group

gave three performances and was invited to a party, at Nauru's State House by President Hammer DeRoburt, to celebrate the 22nd birthday of the president's daughter, Miss Jeanette DeRoburt.

"President DeRoburt, in a short speech, assured us of his support for our cause and the case we are now fighting in Great Britain," Mr Rotan said.

Miss DeRoburt then gave the group \$1000 as a token of her gratitude, he said.

On their arrival at Tarawa on board a chartered aircraft from Nauru, the group was welcomed by elders from the chiefly village of Eita.

## PROBLEMS

Mr Rotan said that on their arrival on Ocean Island, he contacted the group which went on the first trip last month and discussed with them some of their problems on the island.

He said members of the group were happy on the island, except for some minor problems such as lack of water.

Police surveillance on the island was less strict and the administrator was very helpful, he said.

Mr Rotan said the manager of the BPC on Ocean Island, Mr Edgar Chapman, had promised the group building materials for permanent houses.

"This is a great help because, we do not have to buy building materials and tents from

Australia as a result of this generous offer," Mr Rotan said.

Mr Rotan said, because there was only one water tanker to serve the whole community, the Banaban group had to wait their turn for water.

He said that the Rabi Council of Leaders will buy a 200 gallon tank for the groups water storage.

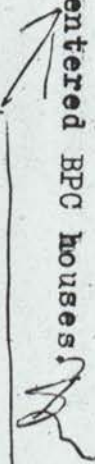
Mr Rotan said that the two British Parliamentarians who inspected the island, Sir Bernard Braine (Conservative) and Mr John Lee (Labour), told him that they were satisfied with what they saw and said that they could not make any official comments before they reported their findings to their own Government.

Asked about the three men allegedly deported from Ocean Island, Mr Rotan denied a news report that the men were deported.

"As far as I know, the men were sent back to Fiji on the advice of the Banaban elders who were with the group on the island and their decision had nothing to do with the police or the administrators," he said.

These men who were members of the first group, were sent back because their behaviour on the island was not satisfactory to the elders, who were there to advise the men and to see that they did not get into mischief.

They got roaring drunk and entered BPC houses.





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# Farmers 'reaped benefits'

## - COURT TOLD

From CHRIS MILNE

**LONDON, Thurs. — Australian and New Zealand farmers have benefited at the expense of a group of Pacific Islanders, the High Court has been told.**

The claim has been made by counsel for the former inhabitants of Ocean Island.

The Banabans from Ocean Island — who are now living on Rabi Island in the Gilbert Group — have launched a claim for about \$33.4 million against the British Government in the High Court.

They are seeking the amount in compensation for "a gross under valuation" in royalties paid for phosphate mined from the island since 1913.

The High Court was told this week the main beneficiaries of cheap phosphate from Ocean Island were Australian and New Zealand farmers.

### ROYALTIES

The new action follows a 106-day hearing earlier this year of the islanders' claim against the British Government and the Phosphate Commissioners — jointly owned by Britain, Australia and New Zealand — to have Ocean Island rehabilitated.

A representative of the islanders, Mr Tebuke Rotan, who came to London for the High Court hearing, said the latest claim was against the British Government, as trustees for the islanders, and not against Australia or New Zealand.

The Banabans' Council of Leaders was seeking the extra royalties both to develop Rabi Island, where they had been resettled, and to develop Ocean Island for an eventual return.

"We hope to go back to Ocean Island," he said.

"But development will be necessary before it will support us."

Much development was



"We need a lot of capital to develop agriculture," he said.

Plans included the raising of cattle on Rabi, if capital could be secured.

Mr Rotan said he would be returning to Rabi next week, but he and several islanders would come back to London in February to give evidence in the High Court hearing.

also needed on Rabi Island.

"Our people find life very hard on Rabi," he said.

"We have coconut plantations, but the price of copra is poor.

"And the fishing is not good."

Melbourne  
"Herald"  
20/12/75

# Governor Gave an Ultimatum

NZPA-Reuter London  
The British governor of Ocean Island dangled the choice of life and death before villagers in 1928 to obtain favourable phosphate mining rights for a big consortium, the High Court was told.

Judge Robert Megarry gave details of the governor's choice on the first day of his expected four-day judgment in the case of the slanders, the Banabans, who have sued the British Gov-

ernment and the British Phosphate Commissioners for £22 million in compensation.  
The Banabans were moved from their home 30 years ago to Rabi Island, 2400 kilometres away, to allow the British-Australian-New Zealand phosphate consortium to exploit the phosphate resources.

After the longest and costliest court case in Britain — it lasted 221 days and cost £750,000 — Judge Megarry

said a letter written to villagers by the resident commissioner, Sir Arthur Grimble, could not be read "without a sense of outrage."

The letter told the islanders their refusal to accept an offer of 10.5 pence per ton of phosphate had "shamed the important chief" (King George V). It then put them "points of life and death."

Sir Arthur said if they signed the agreement they

would have life and their "shaming of the important chief will be forgiven and you will not be punished."

The "points of death" were that if they did not sign, the land would be compulsorily acquired and there would be no agreement about the area of land to be taken. Mining would be indiscriminate and their children and grandchildren would have "no land, no money."

The judgment continues today.

# Banabans hope to salvage \$2 mill

From CHRIS MILNE in London

The former inhabitants of Ocean Island hope to salvage about \$2 million from their massive and marathon compensation claim which ended in the High Court on Friday.

Mr Justice Megarry, who rejected the islanders' claim of about \$35 million against the British Government earlier this week, awarded them damages against the British Phosphate Commissioners (BPC).  
He did not set a figure but said damages should be

neither nominal nor very large.

A short hearing on the amount of damages will be held next month.

The islanders had claimed \$10 million from the phosphate commissioners, their estimate of the cost of re-establishing about 250 acres of coconut trees on Ocean Island.

However, one of their lawyers, Mr John McDonald, said yesterday damages might amount to only \$2 million.

The islanders won a "moral victory" but no money in their main claim for about \$35 million from the British Government.

## APPEAL

Mr Justice Megarry said there had been "grave breaches" of the Crown's obligations in dealings with the Banabans over mining rights and royalties for phosphate on Ocean Island.

The court was powerless to act, he said.

But he made what amounted to an appeal to the Government to make compensation to the Banabans.

For the past 30 years the islanders have been living on Rabi Island in Fiji.

They had hoped the High Court claim would succeed and enable them to develop Rabi and to return to Ocean Island to re-establish a community.

Mr McDonald said they still hoped to return a small group to the island.

Phosphate mining was expected to end in 1980, and stockpiles would be cleared by the following year.

The Banabans hoped to have a small fishing community on the island and to do some replanting.

## SIMPLE BANABANS UNAIDED IN DEAL

London

NZPA

The British Government allowed a mining deal to take place between the British Phosphate Commissioners and the simple, commercially inexperienced Banabans of Ocean Island without offering the islanders any advice or assistance, a High Court judge said in London yesterday.

The man appointed to look after the Banabans, a Major Kennedy, was banned from helping them, said Sir Robert Megarry, the vice-chancellor. "That cannot possibly be called good government," he said.

The result of the 1947 deal was that the Banabans accepted a royalty figure for the continued exploitation of phosphate-rich Ocean Island without any provision being made for future increases in the payments.

Sir Robert was on the third day of his marathon judgment in the islanders' claim against the Crown for back-royalties and for the right to have the devastated parts of their island replanted with food-bearing trees and shrubs.

The Banabans have lived on another island, Rabi, 1500 miles away, since the end of the war and want to return to Ocean Island to re-establish a viable economy.

The judge has found against their royalties claim because, he said, the British Government's obligation towards them was not a financial one and was therefore not enforceable by the court.

### 'Liable to Injustice'

The judge said the worst breach of the Government's obligations was in fixing the royalty for mining phosphate from the island in 1931 under an ordinance of 1928.

Even Crown counsel, Mr John Vinelott, QC, had called the ordinance "quite fearful." Another description was that the ordinance was "inept and liable to lead to injustice."

It allowed the value of the surface mining rights to be ascertained by arbitration on the basis of market value, but the fixing of the royalty was left to the resident commissioner on Ocean Island, Mr (later Sir) Arthur Grimble.

He fixed a royalty within two-and-a-half years of writing an "outrageous" letter which pressured the Banabans to sell their land.

Later, said the judge, the Banabans suffered grievous hardship during the wartime Japanese occupation of Ocean Island. They were uprooted from their home and had no chance to see what state the island was in.

The 1947 negotiations took place when they had been less than 18 months on Rabi, an unknown island in a different colony (Fiji) with a different climate. They were in makeshift accommodation and many had been ill.

### Massive Programme

In those circumstances they started negotiations for what was by far their biggest disposal of phosphate land.

The transaction was one in which some provision for varying the royalties in the future should have been considered, said the judge.

But the Banabans were a simple people, knowing almost nothing of the phosphate industry, and were negotiating with a concern of great experience.

If they had received proper advice and assistance, the present court actions might never have been brought.

Regarding the replanting of those parts of Ocean Island devastated by phosphate mining, the judge said the Banabans had asked for a massive programme of demolishing pinnacles of rock, making roadways, filling certain areas with two metres of soil and carrying out plantings.

Evidence had been given that \$A50 million might have to be spent before a single coconut tree was planted.

The judge said the claim for two metres of soil for planting would mean spreading 15 million tons of soil, which was hopelessly impracticable.

The judgment continues today.

THE ECONOMIST,  
December 4, 1976.

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BANABA - WRONG UNRIGHTED.

One of the nastier skeletons in Britain's colonial cupboards has come to light in the high court in London. Two actions were brought by the people of Banaba (Ocean Island), which since 1916 has been administered as part of the Gilbert Islands, and whose 1,500 acres have been devastated by the mining of its phosphate deposits, now within a few years of exhaustion. The Banabans have been living since 1945 on another Pacific Island 1,000 miles to the south in the Fiji group. In one of their two suits they asked for £21 million as extra royalties, claiming that their phosphate had long been sold at unduly low prices by the joint commission set up by the British, Australian and New Zealand Governments.

Mr. Justice Megarry ruled on Tuesday that the obligations of the crown in this matter were governmental ones, not fiduciary obligations enforceable in the courts. But he found that there had been "grave breaches of those obligations". He dwelt on two in particular. In the 1931 deal the phosphate royalty was, under an ordinance of 1928, left to be fixed by the British resident Commissioner, Mr. (Later Sir Arthur) Grimble, who in 1928 had threatened the islanders with punishment and destitution if they would not accept a royalty of 10½ old pence (4½p) per ton. In the 1947 negotiations the government failed to urge the Banabans to obtain expert advice and, in effect, prevented the official appointed to help them from doing so.

In such a case, Sir Robert Megarry added (in an unusual and perhaps unique passage in his judgment), "a judge ought to direct attention to what he considers to be a wrong that he cannot right, and leave it to the crown to do what is considered to be proper". It was virtually an invitation to the British government to make a substantial ex gratia payment to the Banabans to recompense them for some of the money they were bullied out of in the past.

Dr. ... 4/12/76

# ISLANDERS WIN DAMAGES FOR MISSING TREES

By JAMES O'DRISCOLL, High Court Reporter

**F**IVE HUNDRED South Sea islanders were awarded damages in the High Court yesterday for the failure of the British Phosphates Commissioners to replant part of their land with fruit-bearing trees.

But a £21 million claim against the British Government for under-paid mining royalties was dismissed. There had been grave breaches of Governmental obligation, said the Vice-Chancellor, Sir ROBERT MEGARRY, but the court was powerless.

Sir Robert gave his 250,000-word judgment on day 226 of a record-breaking civil action brought over the island of Banaba.

He also ruled against the claim of the islanders that the British Phosphates Commissioners had mined more of the island land than allowed under contract.

### Level not fixed

The judge did not fix the damages yesterday, but left the amount for negotiation between the parties involved in the litigation and for them to come back to court regarding those damages.

During the case Sir Robert, 66, took his court from London on the 25,000-mile round trip to the South Sea island and said that replanting of fruit-bearing trees on one-sixth of its total area which the islanders sought would prove impossible. He awarded them damages instead.

The British Government governed the island when phosphate mining started there. Sir Robert dismissed the claim against the Crown because, he said, its obligation to the Banabans was not financial but governmental.

But he added: "In litigation in which the Attorney General is a party, a judge ought to direct attention to what he considers to be a wrong he cannot right and leave it to the Crown to do what it considers to be proper.

"The Crown was, traditionally the fountain of justice and justice is not confined to what is enforceable in the Courts."

### Phosphate deal

The negotiation of a major phosphate deal in 1947 without giving the Banabans guidance or advice "could not possibly be called good government."

The case was brought to the court after a 30-year dispute between the BANABANS and the British Government and the British Phosphates Commissioners.

Banaba, also known as Ocean Island, became a British settlement in 1900 and a colony in 1918.

The Banabans were forced to leave when the Japanese invaded their island during the 1939-45 war. They now live on Rabi Island, 1,500 miles away.

There were no Banabans in court yesterday as Sir Robert finished his judgment, which had taken 4½ days to deliver.

The Rev TEBUKE ROTAN, 46, the Methodist Minister who heads the islanders' Rabi Council of Leaders, said after the case that he was returning to his people weary and defeated

### Long struggle

In a statement issued through his London solicitors he said: "We have failed in law because there is no English law to protect us from the exploitation we had suffered for a long time from the British Government.

"In other words, we have been defeated in our long and expensive struggle to obtain justice for our grievances from the Crown."

The action had not been an expensive mistake because it was the only way open to the islanders after they had tried all ways to obtain grievances.

He added: "It is an effective way of appealing to the conscience of the lawmakers of Great Britain, Members of Parliament, officials in the Foreign and Commonwealth Office who are advisers to the Minister of State in charge of Banaban affairs and the British public for this reason:

"The judge has strongly condemned the British Government's failure to meet its obligations to protect its own subjects who are weak, helpless and too small to protect themselves from such exploitation."

During the hearing Sir Robert set up at least two records. He took his court on the longest journey made by a High Court trial judge and presided over the longest civil action in High Court history.

*A happier 1978 than all these look like having. Fido 30.12.76. Fiji Times 28.12.76.*

# OCEAN ISLANDS EARLY CLOSURE

Revenue that the Banaban people draw from the mining of Ocean Island phosphates will be cut off earlier than forecast because the deposits are smaller than had been estimated.

The Gilbertese Minister of Finance, Mr Roniti Teiwaki, has announced that according to the latest British Phosphate Commission figures, the reserves are about 190,000 tons less than earlier estimated.

He told the Budget meeting of the House of Assembly in Tarawa that mining would be completed about September 1978, six months earlier than forecast, with the last

## Phosphate mines run out in 1978

phosphate shipment being sent out in mid 1979.

In financial terms the Gilbertese Government would lose about \$2,300,000 in taxed between 1979 and 1980, and \$5 million to \$6 million in export revenue, he said.

Ocean Island's former inhabitants, the Banabans, draw annual mining royalties from the BPC.

The revision of the amount

of reserves means that their income over the next two years could be tens of thousands of dollars less than expected.

### FROZEN

Mr Teiwaki said the "unhappy" news from Ocean Island came at a time when phosphate prices had fallen from a record \$54 a ton in mid 1975 to under \$38 in the second half of this year.

Gilbertese Government re-

venue next year would fall by about 15 per cent to \$11,771,000 compared to the total this year, he said.

He said it would be necessary to make "severe" economies.

Public service recruiting would be frozen until April 1.

Other economic problems, such as low copra prices, had meant that for the first time in over a decade the per capita income had fallen.

Last year it had been \$720. This year it had been \$632.

Next year's estimate was \$626.

"It will continue to fall until such time as we can establish an alternative revenue source to phosphates," he said.

~~Fiji Times 15/11/77~~

# Banabans set to get \$10m from UK

LONDON. — The Banaban community was likely to receive another \$A10 million in phosphate revenue from the British Government, a Foreign Office official told the House of Commons yesterday.

Mr Evan Luard, Under-Secretary for Foreign Affairs, was answering a written question on the intentions of the Government following the High Court judgment on phosphate mining on Ocean Island.

In the judgment, Mr Justice Megarry dismissed the Banabans' 21 million sterling claim but said they should get damages.

"The Government will continue its consultations with the governments of Australia, Fiji and New Zealand as well as the Government of the Gilbert Islands and the Banaban leaders in its efforts to reach a solution to the problems affecting the future of the Banaban community," Mr Luard told the House. — AA<sup>D</sup>-Reuter.

**NEWSPAPER**  
**review**

Cont John this - what the  
\$10 million for? R

On Wednesday, Fiji's Banaban community organised a colourful demonstration to conclude from constitutional talks between Britain and the Gilbert Islands, which opened on the same day. The demonstration, led by a Banaban brass band and young dancers in their traditional dress, marched from Albert Park to the Suva Civic Centre to the British High Commissioner in Fiji, Mr Stanley Arthur, for forwarding to London. It was delivered to the High Commission office by Mr Tekoti Rotan and three other island council members. Mr Arthur did not come out to receive it. The following is the complete Banaban petition.

**EDITORIAL COMMENT**

**The case for the Banabans**

THE British Government will be acting unwisely and unfairly if it ignores the strong, dignified and eloquent protests made in Suva on Wednesday afternoon by the Banaban people and their many supporters.

The issue is quite simple, the demand totally reasonable — that the Banaban people, arbitrarily included in the Gilbert and Ellice Islands Colony in 1916, be now justly included in the discussions between Great Britain and the Gilberts people about the political future of the islands.

That political future must involve the Banabans, and their attempt to achieve the basic right of self-determination of their own future.

As the Mayor of Suva, Cr Len Usher, pointed out on Wednesday afternoon, any government or governments which are about to make decisions about a group of people have a duty to inform them about the way the decisions are being made.

The only proper way to do that, obviously, is to include the Banaban people in the discussions themselves.

The British Government, and the Gilberts Council of Ministers, should not underestimate the firm resolve of the Banaban people, nor the widespread nature of their support.

Supporting them on the official dais on Wednesday were Government ministers and leading members of the National Federation Party.

Among the protest marchers were representatives of every province in Fiji. It was an impressive occasion, made all the more effective by the quiet dignity of the protest.

Nor will support be confined to Fiji.

The Prime Minister, Ratu Sir Kamisese Mara, who has already criticised both Britain and the Gilberts for ignoring a previous agreement about settling the question of phosphate royalties before proceeding to constitutional talks, obviously feels the matter must come up for discussion at the South Pacific Forum in Nauru later this month.

At best, it may be that the Banaban leaders will be able to state their case directly; at worst, their situation will be discussed as part of the business arising from the minutes of the last forum.

In any event, this will give the Banaban cause yet another platform, and an international one, from which to advance their plainly just and reasonable demand — for inclusion in any talks, preliminary or final, which involve the future of a proud and independent people.

**Banaban appeal**

Your Excellency,

Kindly permit me to hand this protest to you on behalf of the Banaban people and their Council of Leaders.

Within hours, constitutional talks will be under way in London between your Government and representatives of the Gilbert Islands Council of Ministers. It is clearly intended by your Government that as a result of these talks an early date will be fixed on which the Gilbert Islands will acquire full powers of internal self-government.

It is against the custom of our Pacific Islands for one people to meddle in the affairs of their neighbours and we Banabans wish the people of Tuarua — as the sixteen Gilbert atolls have traditionally been known — God speed in their progress towards independence.

But as your Government knows full well the homeland of my people — Banaba — forms part of the present Gilbert Islands Colony. For the administrative convenience of a former British colonial administration, Banaba was bundled in with the Gilbert and Ellice Islands Colony in 1916. The action was an arbitrary one; The consent of my people was not sought.

And today, as the direct result of a colonial Order-In-Council of which we knew nothing at the time, our ancestral homeland is about to become a mere district of an internally self-governing Gilbert Islands State.

**First time**

For the first time in the long history of our people it is proposed that our island should be placed under the suzerainty of a self-governing Tuarua.

If we have demanded a hearing at this week's constitutional talks in London it has been to insist that self-government for the Gilberts does not mean that Banaba will become a colony of Tuarua.

The people of Tuarua have never, in the countless generations preceding British rule in the Pacific, conquered our land and our people.

In so far as they knew about our existence, they never expressed the slightest wish to dominate us. It is your Government that is about to hand Banaba to Tuarua.

Again this action is to be taken without our consent and for Britain's selfish convenience. The only difference today is that your convenience is financial rather than administrative, and that instead of being able to manipulate at will a people ignorant of the meaning of Colony,

**Petition to UK Govt**

Protectorate, Order In Council, Act of Parliament and Colony-Ordinance, you are faced by a united people with the will, the knowledge and the means to oppose your Government's attempt at a final solution of what Britain has always regarded as the Banaban problem.

I hope, in addition, that it will also be plain to your Excellency that we are not alone and without friends to stand with us and insist — even at the eleventh hour — that Britain must not once again ditch the Banabans.

**Assurances**

Your government's response to my Council's request for representation at the London talks has been met with soft words, with assurances that the matters to be discussed do not concern us, with the promise that the interests of the Banaban people will be considered at a later stage, when final sovereign powers are to be vested in Tuarua.

How will our interests on Ocean Island be protected by your Government once full internal powers over the district of Ocean Island are handed over to the Government in Tuarua?

Even today, when power over the Colony of the Gilberts lies in the hands of Her Majesty's Secretary of State and in the hands of her Governor, the only protection we have for our interests stems from our own efforts to remedy the wrongs done to us and to guard against the perpetration of the ultimate injustice, the disposal of our island of Banaba to the Gilbertese.

**Sacrifice**

Our efforts on our own behalf should not need to be catalogued. Since my people rid themselves in 1965 of the falsely-named Banaban Adviser — whose advice consistently benefitted not us but your colonial administration of the day — we have patiently, exhaustively, and at great expense and sacrifice, pursued our legitimate aims through all constitutional and peaceful means.

We petitioned your Government for independence as long ago as January 1974 and your decision is

still awaited two and a half years later.

We have had innumerable meetings and seemingly unending correspondence with your Government. We have journeyed many times to the United Nations in New York where your permanent representatives have lobbied assiduously, and sometime unscrupulously, against us.

We have, at your specific request, sought on at least five occasions to discuss our wish for independence with Tuarua Government, despite the fact that they did not have the power to grant what we demanded.

**Consensus**

On the last two of these occasions, in October and December last year, we succeeded in reaching a vital consensus with them, thanks above all to the invaluable mediation of the Prime Minister of Fiji, Ratu Sir Kamisese Mara.

Joint appeals went out from Banabans and Gilbertese at Tuarua in October demanding an immediate conference with Britain, Australia and New Zealand, countries which have benefitted so hugely from the pillaging of our resources during three-quarters of a century.

We have waited ten months now for such a meeting to be convened without a sign from your Government that Britain has any intention of facing up to her financial responsibilities towards the Gilbertese, let alone the Banabans.

It is clear to everyone in the Pacific by now that the Gilbertese will cling to the rights Britain has led them to believe they have over our island home until such time as they receive adequate assurances for their financial future.

It is equally and dishonourably clear that your Government will continue to avoid — at whatever cost to the future of her dependent peoples — her moral responsibilities.

It is sadly evident that Britain will not pay a penny compensation which she is not ordered to pay by a Court of Law.

And now, in order to make certain that all the remaining mineral wealth of our island of Banaba will go to subsidize her continuing obligations towards the Gilberts, Britain is prepared to destroy our island homeland and the very future existence of our people.

**Subterfuge**

Furthermore, your Government is seeking to attain this ignoble objective by subterfuge: By quietly passing all powers of internal government over Banaba to the Gilbertese while protesting at the same time that the negotiations about to take place do not concern my people.

Your Excellency, I am here to protest at your Government's outrageous treatment of the Banaban people. I wish you speedily to convey this protest to your Government together with our final demands — since it is now clear to us that we are to be excluded from this vital constitutional conference.

First, we demand your Government's re-affirmation that, as the Parliamentary Under-Secretary of State assured us in April 1975 in the presence of the entire Rabi Council, your Government does not wish to put us under an administration under which we do not want to live.

Second, we demand that the district of Ocean Island be specifically excluded from any constitutional measure which may grant powers of internal self-government to the Gilbert Islands Colony. (ROTAN ITO), Chairman, Rabi Council of Leaders.

### Future of the Banabans

From Mr Russell Johnston, Liberal MP for Inverness

Sir, At a referendum held in the Ellice Islands in September 1974 over 90 per cent of the population voted in favour of the separation of the Ellice Islands from the Gilbert and Ellice Islands Colony.

The decision has been accepted in principle by the United Kingdom Government which has thereby impliedly undertaken a continuing financial responsibility for the Ellice Islands. The Colony is splitting up. It is time to look again at the future of Ocean Island which is by chance also part of the Colony.

Ocean Island the homeland of the Banabans is isolated in the Western Pacific. Phosphate has been mined there since 1900, however, in 1978 the phosphate deposits will be worked out. From then on Ocean Island will be of no interest to the United Kingdom or the Gilbertese. This was admitted by the Chief Minister of the Gilberts at the United Nations in November 1974. The Banabans own Ocean Island. The Gilbertese have only ever gone there as transient workers in the phosphate industry.

The Banabans want a separate future for Ocean Island in order to preserve their separate identity and culture. There is no valid reason why they should be treated differently from the Ellice Islanders. Ocean Island is already in fact administered separately from the rest of the Colony by the British Phosphate Commissioners. A separate Ocean Island would cause no problems in the international sphere because the Fiji Government is prepared in principle to look after the Banabans. What is proposed is that Ocean Island should be an associated state with Fiji.

The only problem is what is to be done with the proceeds of the phosphate mining during the past four years of its life. This is a separate issue which is capable of solution round the conference table. The Australian and New Zealand Governments who have benefited from cheap phosphate from Ocean Island over the past 50 years will be concerned to see that neither the Gilbertese nor the Banabans suffer. Is it really too much to hope that the British will assume some financial responsibility for the Gilbertese in the future, as they are doing for the Ellice Islanders?

It is time for the United Kingdom Government to take the initiative and solve the Ocean Island question. This is particularly so as there would be no problem if the British had let some of the Banabans return to Ocean Island in 1945 when they were released from Japanese captivity. There were some 1,000 of them. They were told they could not return to Ocean Island because there was no housing for them.

At the same time the British were busy recruiting 1,700 Gilbertese and Ellice Islanders to work in the phosphate industry on Ocean Island. Was this quite above board? Is it surprising that the Rev Tebuke Rotan (February 20) is angry?

Yours faithfully,  
RUSSELL JOHNSTON,  
Liberal Foreign Affairs Spokesman,  
House of Commons.

report.

## Pinewood director bankruptcy

MR. W. J. GODFREY, managing director of Pinewood Homes, today filed his own petition in bankruptcy.

A receiving order and an order of adjudication was made by Bournemouth County Court and a meeting of creditors and a public examination will follow.

Mr. Godfrey, who had given certain personal guarantees for a development loan obtained from Burston Finance decided to take this step when Burston was put into the hands of a Receiver last week.

Pinewood Homes, which had Mr. Martin Spencer, of London accountants Stoy, Hayward and Co., appointed as Receiver and Manager last July, will not be affected by Mr. Godfrey's bankruptcy. His decision to take this step was made after full consultation with his solicitors and with Pinewood's Receiver.

Mr. Spencer today commented: "I regard this as a purely technical bankruptcy imposed upon Mr. Godfrey by circumstances beyond his control or mine. I have used every endeavour possible to avoid such action being taken."

"As a bankrupt this means that Mr. Godfrey may no longer hold a directorship in Pinewood Homes, but he has

Continued in back page

Ever's shouder.

## PINEWOOD DIRECTOR

Continued from page 1

accepted my offer to remain as a consultant and to continue to assist in the management of the company.

"I would stress that Mr. Godfrey's action in no way affects the planned completion of all Pinewood current developments for which there has recently been an increase in demand."

"Since the beginning of the year there has been a substantial improvement in the number of inquiries and reservations for Pinewood flats and houses and earlier this month, with the full approval of the 10 banks involved in the current building programme, a local and national advertising campaign has been launched with encouraging initial results."

### "UNORTHODOX"

Today a spokesman for Stoy, Hayward said that the guarantees had been given by Mr. Godfrey and not Pinewood Homes although Pinewood held the land bank.

It was not a question of Mr. Godfrey sacrificing himself to save Pinewood. "The situation has been forced upon him by this unexpected and unorthodox demand from Burston Finance."

Pinewood had about 18 developments in the Bournemouth area at the moment in various stages of completion. During the course of this year about 300 flats and houses would be available for sale.

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despite February 20.

### Catharism in England

From Mr Ben Vincent

Sir, Miss Desmulie-Ennesh (February 14) will be interested to know that although the Great Church obliterated all trace of the Albigensian, Cathar or Paulician church in England, its doctrines influenced our Quakers, no doubt through Lollardy. Puritan is, of course, Latin for Greek Cathar. There are hostile references to the Cathars in English literature, eg, Henry Fourth Pt 1, Act II, Sc IV, where Falstaff echoes the Cathar doctrine that "the world is a bad place" and adds, "I would I were a weaver. I could sing psalms or anything".

The French Cathars were called Tixeronts because their Parfaits posed as weavers as cover for missionary work. Poulenc set to music an ancient lampoon on the "tiserants" love-feasts, unaware apparently that the reference was to heretics and not simply craftsmen. Ironically his name probably derives from Publicain or Paulician. The English surname Weaver may refer back to some heretic.

Threatened by ruthless persecution the Perfecti encouraged their laymen to recant and conform. The sin would be vicariously atoned for by the Bonshommes' austerities. They themselves infiltrated Catholic orders where their asceticism would not attract suspicion of heresy. It was so extreme that it sometimes led to suicide by starvation. Their strict celibacy was attributed by their persecutors to homosexuality and one of their nicknames, Bougre, from Slavonic Bogomil, Friend of God, came to be synonymous with homosexual practice.

It is no accident that in the late eighteenth century a remnant, discovering that there was an English sect of "Friends" which preserved the Cathar doctrine of the Inner Light, joined the Quakers en masse! Fox had resembled a Perfectus, with no sense of sin, ascetic, mystical, thaumaturgic, foot-loose and fiercely hostile to Catholic and Protestant churches alike. Penn represents another type of Cathar, that of the gentleman under whose patronage the movement spread. The Templars were accused of Catharism and of the concomitant homosexuality.

Dr Guirddham (February 18) mentions the Canons of Ashridge, who called themselves Boni Homines. It is hard to believe they did so in all innocence. They could have been Perfecti under a thin disguise, for the Pope's writ did not run far in England then.

At Piccotts End near by stands a cottage owned by Mr A. Lindley, who discovered in it a late medieval mural. Outwardly orthodox, well, fairly, and none the less Albigensian for that, it contains scores of cryptographic symbols which look like the work of a peasant Hieronymus Bosch, who was himself suspected of Catharism. Mr Lindley authorizes me to say that we would be grateful if anyone knowledgeable in the field of Manichee, Cathar or related symbolism, would contact us, visit the mural and give us the benefit of his knowledge.

Thy friend sincerely,  
BEN VINCENT,  
4 Hawthorne Road,  
Radlett,  
Hertfordshire.



**RECORD**  
*20/11/76*  
**CIVIL CASE**  
**COSTS £3m**

By JAMES O'DRISCOLL  
 High Court Reporter

IT was "litigation on the grand scale" observed Mr Justice Megarry, the Vice Chancellor, as he started giving judgment yesterday on day 222 of a record-breaking civil law case which so far has cost £750,000 in legal costs.

The judge then launched into his judgment, at a rate approaching 200 words to the minute. He is expected to finish it some time on Friday.

The cases arises over 75 years of phosphate mining in Ocean Island, in the South Seas, the natural home of a small population known as Banabans.

The 500 Banabans, who were forced to go and live in Rabi Island, 1,500 miles away after the Japanese invasion in the last war, want to go home.

**Fishing hopes**

In their action they claim that the phosphate mining has changed the surface of the 1,500 acres of Ocean Island and that it no longer bears its natural food trees, such as coconut, and other vegetable shrubs.

Their High Court claim is against the BRITISH GOVERNMENT and the BRITISH PHOSPHATE COMMISSIONERS. They are asking Mr Justice Megarry to rule that their island home should be replanted with food-bearing trees so they can return and build up a viable fishing industry.

The also claim additional mining royalties from the BRITISH PHOSPHATE COMPANY. Their total claim comes to £21 million.

The islanders court fight is led by 70-year-old Mr ROTAN TYRO. He was not in court yesterday but the REV. TEBUKE ROTAN was there to represent his fellow islanders, sitting immediately behind their counsel.

The previous longest civil action, the Tichborne inheritance claim, more than 100 years ago, lasted 103 days. But a criminal trial which followed lasted a further 188 days.

In the current case Mr Justice Megarry took his court, accompanied by lawyers, to see the island. Five QCs and four junior counsel together with solicitors have been engaged throughout. Seven million words have been given in evidence.

For the start of yesterday's judgment the public gallery was opened — the first time any public gallery has been opened at the High Court since the bomb outrage at the Old Bailey in 1973. There was strict security.

**PARSON PLANNED**  
*20/11/76*  
**RISING TO GET**  
**ISLAND JUSTICE**

By JAMES O'DRISCOLL, High Court Reporter

THE Rev. Tebuke Rotan, 46, a Methodist minister from Ocean Island, about 12,000 miles away, sat quietly in the High Court yesterday, as Mr Justice MEGARRY told of a plan he led for an uprising and "wholesale murder" of a British adviser and his followers who, they believed, were cheating them of royalties on mining of rich phosphates.

Mr Rotan, representing the 500 islanders, had told him in earlier evidence, said Mr Justice Megarry, that he had led the "uprising plan" to get rid of their District Adviser, Mr Laxton, and his followers.

Mr JUSTICE MEGARRY was giving judgment on the 223rd day—a record—of a civil law action over phosphate mining brought by the islanders against the BRITISH GOVERNMENT and the BRITISH PHOSPHATE COMMISSIONERS.

The judge ruled that the Crown has no financial duty to the islanders. The Crown's obligation was governmental and although there had been grave breaches of that obligation the court was powerless.

"The Crown was, traditionally, the fountain of justice — and justice is not confined to what is enforceable in the courts.

"I shall accordingly leave the Attorney-General to make such communications to other persons concerned as he considers proper."

**Man they trusted**

Mr Rotan, said the judge, had told him in evidence: "I asked 400 of our men to arm themselves with spears and knives and we made a plan to kill Laxton, our adviser, and his followers.

"We could not stand paying someone whom we trusted to look after our interests—and did not."

The plan, observed the judge, was for the "wholesale murder of fellow-countrymen with different political views in order to prevent the minority becoming the majority."

But the prompt action of a District Officer from Fiji who had been called in had prevented the uprising.

Those facts, observed Mr Justice Megarry, showed the state to which the islanders — known as the Banabans — had reached by that time over the phosphate mining of their small island.

It arose, in the island governed by Britain, because, said the judge, the islanders believed they had not received the income and other benefits due to them from the mining of phosphates on Ocean Island with its population of 500.

Before the matter came before his court, the judge said, the islanders had tried and failed to get their "deep-seated" grievances over their alleged rights heard everywhere, including the United Nations, without success.

"There is no difficulty in appreciating the deep-seated feelings of grievance that they have had."

The Banabans had not lacked tenacity in pursuing their claim. "A feeling of desperation, however exaggerated, may explain, though not justify, some of the excesses in their activities."

**'Shamed the King'**

Earlier, the judge, who is the Vice-Chancellor, criticised Sir Arthur Grimble, Resident Commissioner on Ocean Island in 1926—where the phosphate mining started 75 years ago.

The judge said that Sir Arthur, then Mr Grimble, sent a letter to a village in the island saying that the Banabans' refusal to agree to a royalty of 10½ pence (old money) per ton of phosphates had "shamed the Important Chief" (King George V).

Sir Arthur had put to them "points of life or death." He told them that if they signed the agreement they would have life and "shaming of the Important Chief will be forgiven and you will not be punished."

The "points of life" were that royalties and details of the phosphate agreement should be carried out.

"Points of Death" in the letter were that if they did not

"The letter makes grievous threats if the inhabitants do not agree to sell their property to the British Phosphate Commissioners," said the judge.

The threats included destruction of their villages, compulsory acquisition of their land for "any old price" and indiscriminate mining.

"These threats were made by the man, who, though subject to the High Commissioner and the Colonial Office, was the effective governor of the colony."

But the judge—who took his court to Ocean Island during the hearing—overruled earlier claims by the islanders that bones of their ancestors, at rest in the local cemetery, had been extricated in the mining operations to make phosphates and had been exported to Australia, New Zealand and Britain.

He said that he had visited the cemetery on the island and found it completely undisturbed.

**Hope to return**

The Vice-Chancellor is to continue his judgment today. He is not expected to finish until Friday.

They are also asking Mr Justice MEGARRY to rule that their island home should be replanted with food-bearing trees—following the phosphate mining operations—so that they can return and build up a viable fishing industry.

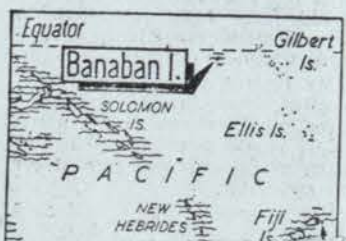
They also claim additional mining royalties from the British Phosphate Company.

The original 500 Banabans — whose numbers have now increased to around 2,000, were forced to leave their island home when the Japanese invaded during the last war. They now live in Rabi Island, 1,500 miles away.

Costs have so far amounted to about £750,000.



The Rev. Tebuke Rotan in London yesterday for the 223rd day of the record-breaking civil action in the High Court brought by 500 South Seas islanders against the British Government and the British Phosphates Commissioners.



SH  
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FJI TIMES 22/3/75

# Banabans face 'last battle'

All eight members of Rabi Island Council will leave Suva tomorrow for New York and London for their "last battle" to gain Ocean Island's independence.

The council's manager, the Rev. Tebuke Rotan, said they expected to go before the United Nations Special Committee on Colonialism in New York on Monday.

Afterwards the council members would go to London for a High Court action against the British Government and to approach Britain directly for independence.

"This is the last battle," Mr Rotan told the Fiji Times.

"It is the first time the whole council has gone abroad and I don't know how long we will be in London."

### THREE WITNESSES

He said three Gilbertese who had married Banaban women and lived with the Banaban community would go to London as witnesses in the Banaban court case.

The Banabans are claiming damages from Britain in connection with the mining of Ocean Island's phosphate deposits.

In Suva the council is due to meet Mr Anthony Bullock, a British Commonwealth Office official.

Mr Bullock flew from London to discuss the Ocean Island question with the Gilbert and Ellice Islands Colony Government.

Ocean Island is part of the

British-administered GEIC about 1000 miles from Fiji.

The Banabans, who now live in Fiji, left it in 1945 and now want it back as a separate country.

# Ocean Island

*Guardian*  
9/4/75



Mr Rotan Tito, one of the Ocean Islanders, outside the High Court yesterday

A 1,500-acre island in the Pacific will occupy the attention of a High Court judge for the next five weeks. Mr Justice Megarry yesterday began hearing a claim by representatives of the former inhabitants of Ocean Island against the British Government and the British Phosphate Commissioners.

The islanders—known as Banabans—have brought two actions. In the first they allege that the Government and the Commissioners are obliged to replant worked-out phosphate mines with food-bearing trees, or pay compensation. In the second, the claim is for £22 millions in phosphate royalties.

Mr John Macdonald, for the Banabans, said the first action was a test case brought by 12 Ocean Island landowners. After the last war, when Ocean Island was occupied by the Japanese, the islanders were removed to Rabi, another island 1,600 miles away.

"The Banabans have never given up their homeland," Mr Macdonald said. "They agreed to live on Rabi only because a solemn undertaking was given by Her Majesty's Government that they would be able to return to Ocean Island and not lose any of their rights as land owners."

There were 2,500 Banabans, and, although they realised that the island could not support them all, they were anxious to maintain a settlement there and develop a fishing industry.

"It is very difficult to convey the strength of the feeling of the Banabans for their land. It is not only their home—it is a feeling for the land."

Mr Macdonald said Ocean Island contained one of the richest deposits of phosphates in the world. Phosphate was discovered there in 1900 and had been mined since. The deposits would be worked out in another three years.

When the phosphate was removed, great pinnacles of coral were exposed. The worked-out areas looked "not unlike the moon," he said.

He showed the judge a set of photographs to show the "devastation" caused by the mining.

Since the British flag was raised over Ocean Island in 1900 there had been a conflict between the desirability of exploiting the phosphates and the need to preserve the environment so that the people could live there, Mr Macdonald continued.

The Banabans' case was that in 1913 the British Government and the phosphate mining company had agreed that coconuts and other food bearing trees would be planted on worked-out mining areas. That obligation, they claimed, was also included in the deeds under which individual landowners granted mining rights.

Just enough re-planting had been done to show that it could be done, but not enough to fulfil the obligation, Mr Macdonald submitted.

The hearing continues today.

## Justice plans a coconut court

*Guardian*  
By PATRICK KEATLEY,  
Diplomatic Correspondent

THE ASTONISHED citizens of Ocean Island in the South Pacific may soon be visited by a British judge whose normal habitat is the Royal Courts of Justice in the Strand.

Mr Justice Megarry has already made a name for on-the-spot inspections. In 1973, during the hearing of a dispute involving the parish church at Iken, Suffolk, he visited the territory, the better to comprehend the arguments of rival counsel.

His possible extension of the technique to the South Seas is much less quixotic than might at first appear. Petitioners, counsel, and expert witnesses would accompany him.

The difficulty is that Ocean Island—or rather, Banaba, to use the name used by its inhabitants—is a most unusual place. Words and phrases used in English courts may have very different connotations in the peculiar circumstances of this remote islet.

At the turn of the century, some Australians found the island was a solid cone of guano and in no time it had been proclaimed a dependency, with a consortium of Australian, British, and New Zealand freebooters moving in for the economic kill.

Later the British Phosphate Commission was formed to control the mining and during World War Two the Colonial Office evacuated the islanders to Rabi in the Fiji group where 2,500 of them reside to this day.

But Banaba remains their spiritual home and after a series of frustrating visits to London in the past decade, one of their leaders the Reverend Tebukl Rotan regretfully launched a legal action against Her Majesty's Commissioners.

The Banabans say they want to go home, to have their due share of half a century of revenues from phosphate mining, and the gaping holes in their island filled in and replanted with grass and coconut palms.

Approval for Mr Justice Megarry's proposed trip would have to come from the Lord Chancellor.

# Governor Gave an Ultimatum

NZPA-Reuter London  
The British governor of Ocean Island dangled the choice of life and death before villagers in 1928 to obtain favourable phosphate mining rights for a big consortium, the High Court was told.

Judge Robert Megarry gave details of the governor's choice on the first day of his expected four-day judgment in the case of the islanders, the Banabans, who have sued the British Gov-

ernment and the British Phosphate Commissioners for £22 million in compensation. The Banabans were moved from their home 30 years ago to Rabi Island, 2400 kilometres away, to allow the British-Australian-New Zealand phosphate consortium to exploit the phosphate resources.

After the longest and costliest court case in Britain — it lasted 221 days and cost £750,000 — Judge Megarry

said a letter written to villagers by the resident commissioner, Sir Arthur Grimble, could not be read "without a sense of outrage."

The letter, told the islanders their refusal to accept an offer of 10.5 pence per ton of phosphate had "shamed the important chief" (King George V). It then put to them "points of life and death."

Sir Arthur said if they signed the agreement they

would have life and their "shaming of the important chief will be forgiven and you will not be punished."

The "points of death" were that if they did not sign, the land would be compulsorily acquired and there would be no agreement about the area of land to be taken. Mining would be indiscriminate and their children and grandchildren would have "no land, no money."

The judgment continues today.

# Banabans hope to salvage \$2 mill

From CHRIS MILNE in London

The former inhabitants of Ocean Island hope to salvage about \$2 million from their massive and marathon compensation claim which ended in the High Court Friday.

Mr Justice Megarry, who rejected the islanders' claim of about \$35 million against the British Government earlier this week, awarded them damages against the British Phosphate Commissioners (BPC). He did not set a figure but said damages should be

neither nominal nor very large. A short hearing on the amount of damages will be held next month.

The islanders had claimed \$10 million from the phosphate commissioners, an estimate of the cost of establishing about 250 acres of coconut trees on Ocean Island.

However, one of the lawyers, Mr John McDonald, said yesterday damages must amount to only \$2 million.

The islanders won a "major victory" but no money in the main claim for about \$3 million from the British Government.

## APPEAL

Mr Justice Megarry said there had been "gross breaches" of the Crown's obligations in dealings with the Banabans over mining rights and royalties for phosphate on Ocean Island.

The court was powerless to act, he said.

But he made what amounted to an appeal to the Government to make compensation to the Banabans.

For the past 30 years the islanders have been living on Rabi Island in Fiji.

They had hoped the High Court claim would succeed and enable them to develop Rabi and to return to Ocean Island to re-establish a community.

Mr McDonald said they still hoped to return a small group to the island.

Phosphate mining was expected to end in 1980, and stockpiles would be cleared by the following year.

The Banabans hoped to have a small fishing community on the island and to do some replanting.

## SIMPLE BANABANS UNAIDED IN DEAL

NZPA

London

The British Government allowed a mining deal to take place between the British Phosphate Commissioners and the simple, commercially inexperienced Banabans of Ocean Island without offering the islanders any advice or assistance, a High Court judge said in London yesterday.

The man appointed to look after the Banabans, a Major Kennedy, was banned from helping them, said Sir Robert Megarry, the vice-chancellor. "That cannot possibly be called good government," he said.

The result of the 1947 deal was that the Banabans accepted a royalty figure for the continued exploitation of phosphate-rich Ocean Island without any provision being made for future increases in the payments.

Sir Robert was on the third day of his marathon judgment in the islanders' claim against the Crown for back-royalties and for the right to have the devastated parts of their island replanted with food-bearing trees and shrubs.

The Banabans have lived on another island, Rabi, 1500 miles away, since the end of the war and want to return to Ocean Island to re-establish a viable economy.

The judge has found against their royalties claim because, he said, the British Government's obligation towards them was not a financial one and was therefore not enforceable by the court.

### 'Liable to Injustice'

The judge said the worst breach of the Government's obligations was in fixing the royalty for mining phosphate from the island in 1931 under an ordinance of 1928.

Eyen Crown counsel, Mr John Vinelott, QC, had called the ordinance "quite fearful." Another description was that the ordinance was "inept and liable to lead to injustice."

It allowed the value of the surface mining rights to be ascertained by arbitration on the basis of market value, but the fixing of the royalty was left to the resident commissioner on Ocean Island, Mr (later Sir) Arthur Grimble.

He fixed a royalty within two-and-a-half years of writing an "outrageous" letter which pressured the Banabans to sell their land

Later, said the judge, the Banabans suffered grievous hardship during the wartime Japanese occupation of Ocean Island. They were uprooted from their home and had no chance to see what state the island was in.

The 1947 negotiations took place when they had been less than 18 months on Rabi, an unknown island in a different colony (Fiji) with a different climate. They were in makeshift accommodation and many had been ill.

### Massive Programme

In those circumstances they started negotiations for what was by far their biggest disposal of phosphate land.

The transaction was one in which some provision for varying the royalties in the future should have been considered, said the judge.

But the Banabans were a simple people, knowing almost nothing of the phosphate industry, and were negotiating with a concern of great experience.

If they had received proper advice and assistance, the present court actions might never have been brought.

Regarding the replanting of those parts of Ocean Island devastated by phosphate mining, the judge said the Banabans had asked for a massive programme of demolishing pinnacles of rock, making roadways, filling certain areas with two metres of soil and carrying out plantings.

Evidence had been given that \$A50 million might have to be spent before a single coconut tree was planted.

The judge said the claim for two metres of soil for planting would mean spreading 15 million tons of soil, which was hopelessly impracticable.

The judgment continues today.

## LETTERS TO THE EDITOR

## Appeals to the Privy Council

From Mr Benedict Birnberg and Mr Gareth Peirce

Sir, As we initiated the correspondence on the Judicial Committee of the Privy Council which resulted in your leader "Counsel for the Council" (August 30) may we be permitted a rejoinder?

The appellate courts in this country and in particular the highest, seldom attract the attention of a journalistic eye. It was therefore more than ordinarily disappointing that your leader canvassed none of the criticisms put in the preceding correspondence but instead took a defensive line to an attack that had not been made.

Far from wishing the abolition of the Privy Council, we instead deplored the restrictiveness with which its members and others view its role. We urged that this role, and thereby the considered opinion of distinguished Law Lords, should be extended, not, as your editorial suggested, to entertaining political or moral argument, but to providing some more concerned supervisory function over systems of law that otherwise lack the normal safeguards of criminal trials in the United Kingdom.

Where a judgment is given, as in Singapore, by judges who also constitute jury, findings of fact and law are often no longer clearly distinguishable in their reasonings. It can emerge on subsequent analysis that the finding is patently wrong. An appellant is nevertheless precluded from having such a case considered further, as he is in this country also, in an appeal from the Court of Appeal to the House of Lords if he cannot distil from that wrongness an error purely legal.

Thus there are seen, from time to time, *causes célèbres* where public and legal opinion are as one in believing a man innocent but where the Courts cannot, because of badly worded, unthinking or unimaginative legislation or, more seriously, because of their own disbelief in their potential powers, feel able to do otherwise than refuse further redress.

We applaud the existence of an appellate body of the calibre of the Privy Council and indeed consider there is a strong case for its metamorphosis into the often mooted Supreme Court of the Commonwealth as a medium for the development and harmonization of the best in our common law tradition. We would wish only that criminal jurisprudence could benefit more frequently from its consideration than at present and that more applicants from the Commonwealth, in the airing of the issues in their respective cases, might simultaneously benefit their fellow countrymen, should scrutiny in the Privy Council point up defects in the legal system so considerable that it becomes no longer necessary to term them errors of law or fact.

Yours faithfully,  
BENEDICT BIRNBERG,  
GARETH PEIRCE,  
89 Borough High Street, SE1.  
September 9.

## Unrest in South Pacific islands

From Sir Bernard Braine, Conservative MP for Essex, South-East

Sir, Your thought-provoking leader, "UDI in the South Pacific", September 3, rightly draws attention to the difficulties arising for metropolitan powers during the decolonization process.

However, you implied that the wish of the Banaban people for the return of sovereignty over Ocean Island is founded upon an unwillingness to share their phosphate wealth. The truth is that the main recipients of this wealth for the past 75 years have been Great Britain, which as the administering power has insisted on extracting from it over half the Gilbert and Ellice Islands Colony annual budget, and Australia and New Zealand, whose farmers have for years been able to buy Ocean Island phosphate at well below world prices.

In any event, these phosphates will be exhausted in 1978. Therefore, there will be no wealth from this source either for the Banabans or anyone else. The real issue is whether the Banabans should have the benefit of the last three years' production in order to restore their devastated homeland thus providing for their future existence as a people, or whether Britain, by refusing them independence, should continue, at Banaban expense, to subsidize the Treasury's responsibilities towards the Gilbert and Ellice Islands Colony.

The position regarding Bougainville is not parallel since the vast copper deposits are likely to last not three years but very much longer.

While Bougainville, as part of Papua New Guinea is primarily an Australian Government responsibility, it nevertheless concerns Britain for two reasons:

(i) it has been, until September 16 this year, a United Nations Trust Territory and Britain, as a member, must therefore share responsibility for the consequences of vesting this sovereignty in a unitary PNG Government;

(ii) it is of further significance to Britain that following the attempted secession of Bougainville from PNG the whole of the Western Islands District of the British Solomon Islands Protectorate (comprising a third of its population) has asked through its District Council to join Bougainville.

In April this year I visited the GEIC, Ocean Island and Fiji with my colleague Mr John Lee, MP. Our joint report, submitted to the Foreign and Commonwealth Secretary, called for an immediate round table conference to which Britain should invite Australia, New Zealand and Fiji in order that the Banaban dispute should be settled in the spirit of Commonwealth cooperation. Sadly, our recommendations were ignored.

The situation is drifting perilously. It is not surprising, therefore, that the shadows are lengthening across the Pacific.

As in the case of the Banaban issue, there is surely an urgent need arising out of Britain's responsibility for the Solomons to discuss these matters with our Commonwealth partners in the Pacific while there is still time to prevent a proliferation of Anguilla-like situations or worse. Yours faithfully,  
BERNARD BRAINE,  
House of Commons.  
September 12.

From Mr Grenville Jones

Sir, May I as an economic and constitutional adviser to both the Government of Bougainville (now styling itself the Independent Republic of the North Solomons) and the Rabi Council of Leaders representing the Banaban people,

comment on your leader (September 3) "UDI in the South Pacific"?

You rightly stress the dangers of possible fragmentation while, at the same time, underlining the need for small island communities, with strong nationalistic feelings, to work together. This is precisely what both the peoples of Banaba and Bougainville have been and are trying to do.

The Banabans, who were never consulted over their incorporation as part of the Gilbert and Ellice Islands Colony, have for long protested about their treatment. Although the Banabans fund over half the GEIC budget, they receive no benefits and have no representation either in the GEIC House of Assembly or in the various government departments. They want associated status with Fiji where most of them have been living since 1945 while at the same time seeking economic cooperation with the GEIC (surely the exact opposite of fragmentation?). However they are adamant that they alone should not shoulder the whole financial burden, but that this should be shared equitably—the brunt being borne by those governments (United Kingdom, Australia and New Zealand) who have for the past 75 years reaped the benefits of phosphate mining.

The situation of Bougainville differs in that the discovery of copper was a relatively recent event though Bougainvillian nationalism long preceded this. Despite their strong nationalistic feelings, one of the Bougainvillian leaders, Fr John Momis, Member for Bougainville in the Papua New Guinea House of Assembly, was deputy chairman of the PNG constitutional planning committee specially set up for the purpose of creating a constitution for an independent PNG which, while preserving the unity of the territory, would nevertheless recognize the ethnic and cultural differences between the various peoples comprising that state.

After several years of deliberation resulting in the creation of a constitution that seemed to reflect the aspirations of all the peoples of PNG, the PNG Government, ignoring the recommendations of the constitutional planning committee, have effectively gagged debate in order to force through the PNG House of Assembly a constitution which bears little resemblance to that originally and democratically agreed upon. Hence the declaration of independence by the Bougainville Provincial Government.

What is also disturbing is the attitude of both the administering powers concerned, the United Kingdom and Australia. The underlying reason for their policies seems the desire, on the one hand of the British Government, to avoid any charge to the Treasury through a total or partial loss of phosphate money from Banaba, while in the case of Australia, Bougainville is bundled with PNG for similar reasons.

In view of the bloodshed suffered in the past as a result of coercing the diverse peoples of new nation states into accepting colonial boundaries drawn in the distant past without regard for ethnic, cultural or geographical realities, is it too much to ask that these lessons should be learnt and a more statesmanlike approach adopted towards the feelings and political aspirations of large minorities? Fragmentation should, if possible, be avoided, but surely the regrouping of islands such as Banaba and Fiji, or Bougainville with the whole or part of the British Solomons, should be welcomed.

Yours faithfully,  
GRENVILLE JONES,  
22 Charing Cross Road, WC2.  
September 11.

## Administration of national parks

From the Chairman of North Yorkshire County Council

Sir, Mr John Cadbury and those associated with him in his letter of September 5 clearly wish to reopen the debate on whether national parks should be operated by independent planning boards or, as most now are, by county councils through national park committees. They are entitled to advocate boards as I am entitled to prefer controls of services which directly affect local people to be with elected councils rather than ad hoc boards with separate precepting powers.

Where I take issue with them is in their attempt to show that such domestic difficulties as exist between the Yorkshire Dales National Park Committee and the North Yorkshire County Council aid their arguments. The county council has in fact given the Park Committee wider powers than it was required to do by the Local Government Act 1972. It has not refused to allow the committee to buy Wherriside Manor but only to make extra money available in this financial year to enable it to do so. It is currently negotiating better salaries with park wardens and is looking again at the needs of the county for additional footpaths officers.

Such issues are best dealt with locally and this is why, at the request of the Park Committee, the chairman of the Policy and Resources Committee and myself, together with our vice-chairmen, will be meeting representatives of the committee for discussions in the near future. They add nothing to the argument about the respective merits of control through boards or councils any more than does the fact that the present annual expenditure on national parks is only about £3m since that total is principally determined by the amount of money central government makes available for national park purposes.

I sympathize with the frustration which your correspondents must feel in seeing the fulfilment of their wishes for national parks hampered by lack of money—it is easy for me to do so because my wish for the parks to succeed is no less than theirs. But surely we all know why money for vital public services is short. Coincidentally their letter was published on the same day that Department of the Environment Circular No 88/75 arrived on my desk—the latest and most pressing of a series of central government directives urging local authorities to cut public expenditure in the national interest. Unfortunate though it may be, can any public service expect to be immune from the effects of the economic crisis we now all face?

Yours faithfully,  
JAMES T. FLETCHER, Chairman,  
North Yorkshire County Council,  
County Hall,  
Northallerton.  
September 11.

The attempted secession of the island of Bougainville on September 1 from Papua-New Guinea, due to become independent on September 16, poses Australia with one of those last minute unpleasantnesses with which other decolonizing powers are all too familiar. Papua-New Guinea, formed of a former British dependency and a United Nations trust territory, is one of the largest colonies still under white tutelage, and Australia has been hurrying it towards nationhood by forced marches in recent years.

This process has been difficult because the territory consists of hundreds of tribes (some still being discovered) in every stage of culture from the neolithic onwards, speaking several hundred vernaculars, and only imbued with the proper modern spirit of militant anti-colonialism in the developed areas like Port Moresby—if even there. It has been an expensive as well as ticklish bit of nation-building, and Australia wishes to be quit of cost responsibility and colonialist stigma.

The development of Papua-New Guinea has been in part paid for by the revenues accruing from the vast copper riches of the offshore island of Bougainville, and after independence it would without Bougainville remain dependent on Australian subsidies. But Bougainville is fully 600 miles offshore, is ethnically different, and was so neglected until copper was discovered in the sixties that it did not appear on all maps of the territory. Now the copper, which is worked by an Australia-based subsidiary of Rio Tinto-Zinc, accounts for two thirds of Papua-New Guinea's exports and

half its budget. The Bougainvillans get royalties, but complain of inadequate finance for development. Even so, they are on average the wealthiest part of the Papua-New Guinea population. Yet they see themselves as the "fat cow" milked by the less advanced Papuans, and perceive how much richer they would be if they could go it alone.

Their legal local council gave notice of secession, and they have rebelled, they say, on a basis of Gandhian non-cooperation. The Canberra or Port Moresby Governments repudiate the provisional Bougainville government and the United Nations ignored its petitions. The Rio Tinto-Zinc Corporation, which has large interests in Australia, is highly unlikely to help the rebels in the way that the Union Minière assisted Tshombe in Katanga, which may be why the Bougainvillans have threatened nationalization. The taxation agreement was made between RTZ and the Papua-New Guinea Government (which is juridically still dependent on Australia) and the money will continue to be paid to Port Moresby. Unless the Bougainvillans physically stop the copper operations, the financial position will not change. They might do so. The Papua-New Guinea Government might also decide to assert its authority, before or after independence—and then there could be bloodshed. The police on the island are not Bougainvillans and troops could be landed.

This is the moment therefore for cool heads and sensible talks. The Bougainvillans have a case, though their call for self-determination would look more plausible if they wanted to join

up with their ethnic neighbours the British Solomon Islands protectorate—which could do with some copper money (one of the British Solomon islands has threatened already to join the Bougainville Republic). But Papua-New Guinea, which owns a fifth of the mine, has also a claim on the copper revenues, at least until its own vast mineral wealth, recently discovered, can be exploited in perhaps ten years' time.

Politically Port Moresby cannot afford a secession for it is already threatened by breakaway movements in Papua, New Britain and other islands. Yet it can only hold Bougainville by force with Australian naval aid which would generate a bitterness that would in the end produce violence. The alternative for the Australians is to copy the British action over Anguilla's secession from St Kitts-Nevis—which would no doubt bring down on them comparable obloquy.

Small countries, which were once poor provinces of larger countries but suddenly hit the jackpot are rarely reasonable. They forget that others found their wealth and that fair shares ought to be the rule. The Banaban affair is another example of a relatively rich Pacific island which wants to secede and no longer share its wealth (with the Gilberts, due for independence in 1977 like the Solomons). There are many other examples. The Pacific communities are now astir with new ideas and ambitions, and these problems are growing pains. More effort must be spent in persuading them that even in these huge, but valuable, wastes of water they need to work together.

## Pacific Ocean man is at least 30,000 years old

New York, Sept 3.—All mainland areas surrounding the Pacific, except South America and Antarctica, were settled by man as early as 30,000 years ago, far earlier than many archaeologists had supposed, according to reports to the Pacific Science Congress in Vancouver, British Columbia.

Even in Australia, isolated by the sea for the last 15 million years, man apparently was building fires as early as 40,000 years ago. A decade ago, the oldest accepted dates for human settlement there were 8,700 years ago.

By 12,600 years ago, according to the new reports, human beings had reached Patagonia, near the southern tip of South America. They had thus completed a slow 12,000-mile progression from Beringia, the region now largely submerged beneath the Bering Sea, that was above sea level during the ice ages.

New dates were also reported for early man in California, extending the possible arrival of

man there even further into the past. Last year Dr Jeffrey L. Bada and his colleagues at the Scripps Institution of Oceanography in La Jolla, California, reported establishing an age of 48,000 years for one human specimen in a Los Angeles museum.

Dr Bada gave the congress ages for 10 specimens that had been found, at one time or another in California from La Jolla, a suburb of San Diego, north to Sunnyvale, just south of San Francisco Bay. The age of a specimen from Sunnyvale was put at 65,000 years. One from Los Angeles was 50,000 years old, three others were more than 44,000 years old and three were more than 30,000 years old.

These ages are far greater than those of from 15,000 to 25,000 years traditionally given for man's first penetration southward from Beringia. It was then, according to the established view, that an ice-free corridor opened along what is now the valley of the Mackenzie River.

At the Vancouver meeting it was

clear that a number of archaeologists were uneasy about the older dates, although Dr Bada reported the efforts made by his group to narrow down any margins of error.

The ages were obtained by the so-called "racemization" method. This records the extent to which molecules of aspartic acid in a specimen have altered their configuration from the form that occurs in living bone to its mirror image. The rate at which this process occurs is slow enough for it to be used as a stopwatch in determining bone ages reckoned in tens of thousands of years.

It is therefore possible to calculate ages far greater than those obtained by the widely used measurements of radioactive carbon decay. However, the rate of the racemization clock is affected by such things as temperature, and some delegates at the conference questioned whether Dr Bada had been able adequately to correct for these variables.

Soviet archaeologists, who sub-

mitted papers but did not attend, reported evidence that the Diuktai people of Siberia, with bifacial knives (stone blades worked on both sides), and spear and dart points, moved into Beringia during a cooling period, between 30,000 and 35,000 years ago, in pursuit of mammoths.

The possibility that an earlier human form, more akin to the Neanderthal man of Europe, reached the Americas earlier was discussed but classed as uncertain.

The finds in Los Toldos Cave, Patagonia, were reported by Augusto Cardich of the national university of La Plata. Some were made early this year. The oldest level was 12,600 years, with horse bones at the 11,000-year level.

Señor José Luis Lorenzo of the National Institute of Anthropology and History in Mexico, reviewing the evidence from many sources, said man's arrival in the Americas at least 30,000 years ago was well established. — New York Times News Service.

# 11,000-mile trip to mediate in 'pepperpot' colony

By VINCENT RYDER, Diplomatic Correspondent

MR EDWARD ROWLANDS, Parliamentary under-Secretary at the Foreign Office, set off at the weekend on an 11,000-mile trip to the Pacific to investigate the threatened break-up of one of Britain's "pepperpot colonies."

The Gilbert and Ellice Islands, scattered over two million square miles of ocean, are separating in October into two colonies, the Gilberts and the Ellice Islands.

This is by mutual consent and with Foreign Office blessing.

But Ocean Island, a 1,500-acre speck in the ocean is demanding independence from the Gilberts, a move that would take away about 75 per cent of the colony's income.

Ocean Island is rich in phosphates, now bringing a high price in the world markets.

It has been heavily excavated for decades and the deposits will be exhausted after two more years of highly profitable digging.

## Young men sent

The natives, the Banabans, have lived 1,600 miles away on Rabi island, Fiji, since the war, after first being uprooted by the Japanese invasion. They still own the land on the island and have recently sent some of their young men back to it to reinforce their claim to sovereignty.

The 2,000 Banabans, denying that they want to grow wealthy on the revenue from phosphates before the deposits run out, insist they are entitled to inde-

pendence because they are ethnically different from the 60,000 Gilbertese. They have petitioned the Foreign Office and the United Nations.

They are pressing for British agreement to independence at the same time as the Gilberts and the Ellice Islands go their own ways.

The Gilbertese hope that Mr Rowlands will recommend a flat rejection by the British Government. But they admit they are not certain what they or Britain could do if the Banabans made a unilateral declaration of independence.

The Banabans, despite their small numbers, have run a sophisticated political campaign in London and at the United Nations.

They are also engaged in some of the most complicated, lengthy, and expensive civil litigation to be heard in the High Court. In one case they are seeking restoration of the island's surface and food-bearing trees after the turmoil created by 75 years of mining by a British-Australian-New Zealand corporation.

In another case they are claiming that they were underpaid by £22 million in phosphate royalties over many years.

Mr Justice Megarry, after 66 days of legal battle in the first case, has decided that he ought to inspect Ocean Island — the first High Court judge to go abroad as part of his duties. He is to set out in October, accompanied by his clerk.

The trip by plane and boat to Ocean Island and Rabi is expected to cost £40,000. Who foots the bill will be decided at the end of the case.

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X-X. Hold as unproven. All information to be given to the public should be, in form of news not editorial. A-A is simply inaccurate & rubbish. [Signature]

**NAURU.** — The seventh South Pacific Forum ended here apparently unanimous about the need for nations in the region to remain closely linked.

The Nauru forum was described by Fiji's Prime Minister, Ratu Sir Kamisese Mara, as "quietly and efficiently organised."

It was, he said, significant that this was the first Forum in which Spec (The South Pacific Bureau for Economic Co-operation) had acted as the Forum secretariat.

**TRAINING**

Ratu Sir Kamisese said Fiji's of a regional fisheries agency had been taken up by the forum and Fiji had also been able to confirm the establishment of a telecommunications training centre in Suva which would be administered by his Government for the benefit of the whole region.

The Prime Minister said he

# Pacific nations agree on need for close ties

was particularly pleased that he had been able to raise the Banaban question in the Forum during discussion on general business.

The delegate from the Gilbert Islands which administer Ocean Island, had been against the subject being raised.

The Banaban question had only been barely discussed by the Forum but the fact that it had been raised at all had prompted a cable from the British Government confirming that the Banaban people would not "be left on the lurch" regarding their moves towards independence.

This was a "very significant step forward," Ratu Sir Kamisese said.

The Prime Minister said he was pleased the Pacific Forum line had at last been given the go ahead.

The decision would provoke new interest and enthusiasm for the project.

But the question of regional rationalisation of civil aviation again failed to make any progress.

The matter had now been turned over the Council of Ministers to examine further.

This was unlikely to advance the matter very far, he said.

"It looks to me that it's going to wither on the branch," he said.

"There are no new ideas."

**SUVA NEXT**

"Nothing has given me hope that regional civil aviation will become a going concern."

While the next formal forum meeting will be held in Papua New Guinea next August, the Forum will meet again in Suva in October, specifically to discuss fishing and the establishment on a regional basis of 200 mile off shore economic zones.

This follows the United Nations Law of the Sea Conference in New York starting next week. — AAF

## Islanders sue Govt for \$12m

From a Staff Correspondent

**LONDON, Friday.** — A group of former residents of Ocean Island, in the Pacific, began legal action in London this week against the British Government and a consortium of the British, Australian and New Zealand Governments, claiming more than £7-million (\$A12,390,000) in phosphate royalties. They also wanted unspecified damages for damage to their island. The case began in the High Court with the islanders demanding production of Crown documents, and the Crown claiming Crown privilege on them.

Mr John MacDonald, for the islanders, told Mr Justice Walton in the High Court on Tuesday that in 1902, King Edward VII granted a 98-year concession to a company to remove phosphate on payment of a royalty, then sixpence a ton.

From 1920, the phosphate had been removed by the British Phosphate Commission, a consortium of the British, Australian and New Zealand Governments which took over the mining rights from the company.

Mr MacDonald said the islanders allege that, between 1920 and 1966,

the commission sold phosphate in Australia and New Zealand at well below the world price, to the detriment of the royalties fund which was for the benefit of the islanders.

The islanders, known as Banabans, were removed from the island by the Japanese in 1942.

After the war they were resettled on Rabi, near Fiji, which the British Colonial Office bought from Lever Brothers for £25,000, paid out of the Banaban Provident Fund.

In 1947, the islanders voted to stay on Rabi, about 1,600 miles from their home, on condition they retained the rights to Ocean Island and phosphate royalties.

The islanders are being led in their action by Mr Rotan Tito, 74, a big landowner on Ocean Island and chairman of the Council of Leaders of the Banabans on Rabi Island.

The action, in which the islanders want the Crown to restore the island or to compensate them, is expected to start in the High Court in April.

The islanders' barrister's office says there are separate suits against the British Government, representing the Crown, and the British Phosphates Commission, but they are all interwoven.

*[Faint, mostly illegible text from the reverse side of the page, including words like 'The Commission', 'the islanders', 'the Crown', 'the High Court', 'the British Government', 'the Banabans', 'the phosphate', 'the royalties', 'the damages', 'the concession', 'the mining', 'the company', 'the commission', 'the consortium', 'the governments', 'the islanders', 'the former residents', 'the legal action', 'the case', 'the High Court', 'the production of Crown documents', 'the Crown claiming Crown privilege', 'the islanders demanding production of Crown documents', 'the Crown claiming Crown privilege on them', 'the islanders', 'the Banabans', 'the Japanese', 'the war', 'the resettled', 'the British Colonial Office', 'the Lever Brothers', 'the £25,000', 'the Banaban Provident Fund', 'the 1947', 'the islanders voted', 'the stay on Rabi', 'the 1,600 miles', 'the condition', 'the rights to Ocean Island', 'the phosphate royalties', 'the islanders are being led', 'the Mr Rotan Tito', 'the 74', 'the big landowner', 'the Ocean Island', 'the chairman of the Council of Leaders of the Banabans on Rabi Island', 'the action', 'the islanders want the Crown to restore the island or to compensate them', 'the case is expected to start in the High Court in April', 'the islanders' barrister's office says there are separate suits against the British Government, representing the Crown, and the British Phosphates Commission, but they are all interwoven']*



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 A-A *is simply inaccurate & rubbish.*

**NAURU.** — The seventh South Pacific Forum ended here apparently unanimous about the need for nations in the region to remain closely linked.

The Nauru forum was described by Fiji's Prime Minister, Ratu Sir Kamisese Mara, as "quietly and efficiently organized."

It was, he said, significant that this was the first Forum in which Spec (The South Pacific Bureau for Economic Co-operation) had acted as the Forum secretariat.

**TRAINING**

Ratu Sir Kamisese said Fiji's of a regional fisheries agency had been taken up by the forum and Fiji had also been able to confirm the establishment of a telecommunications training centre in Suva which would be administered by his Government for the benefit of the whole region.

The Prime Minister said he

# Pacific nations agree on need for close ties

was particularly pleased that he had been able to raise the Banaban question in the Forum during discussion on general business.

The delegate from the Gilbert Islands which administer Ocean Island, had been against the subject being raised.

The Banaban question had only been barely discussed by the Forum but the fact that it had been raised at all had prompted a cable from the British Government confirming that the Banaban people would not be left on the lurch regarding their moves towards independence.

This was a "very significant step forward," Ratu Sir Kamisese said.

The Prime Minister said he was pleased the Pacific Forum line had at last been given the go ahead.

The decision would provoke new interest and enthusiasm for the project.

But the question of regional rationalisation of civil aviation again failed to make any progress.

The matter had now been turned over the Council of Ministers to examine further.

This was unlikely to advance the matter very far, he said.

"It looks to me that it's going to wither on the branch," he said.

"There are no new ideas."

**SUVA NEXT**

"Nothing has given me hope that regional civil aviation will become a going concern."

While the next formal forum meeting will be held in Papua New Guinea next August, the Forum will meet again in Suva in October, specifically to discuss fishing and the establishment of a regional basis of 200 mile off shore economic zones.

This follows the United Nations Law of the Sea Conference in New York starting next week. —AAI

*(file)*  
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**From a Staff Correspondent**

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## Future of Gilbert and Ellice Islands

*From the Chief Minister of the Gilbert and Ellice Islands*

Sir, Recently there has been discussion in Parliament of the affairs of the remote dependency of which I am Chief Minister. It has concerned the status and future of Ocean Island, one of the 42 islands which comprise the Gilbert and Ellice Islands. The landowners of Ocean Island, known as Banabans because our Gilbertese name for the island is Banaba, have been resident in Fiji since 1945. Their land on Ocean Island is leased to the British Phosphate Commission which mines phosphate there.

The profits from phosphate mining are shared between the Government of the Gilbert and Ellice Islands and the Banabans. For many years our share of the profits were small—the original agreement in 1904 sold mining rights for a mere £50 a year. We have in fact long been subsidising the farmers of Australia and New Zealand with very cheap phosphate. But as my people have been allowed to play an increasing part in the government of their own country so things have improved and today we enjoy not only a fair world market price for our phosphate but currently an extremely high one.

This has encouraged the Banabans to seek separation and independence. They would then enjoy all the income from phosphate during the few years which remain before the deposit is totally exhausted. The people of the Gilbert and Ellice Islands are sad that greed should have tempted their own kinsmen in this way—but the Banabans have been living apart from us for some while and have been much influenced by strangers who hope to enjoy a share of their riches.

And rich they are. This year they will receive over SA3,000,000; one seventh of the total phosphate profits and completely untaxed by my Government. This they share between some 2,000 people whereas my Government has a population of over 60,000 to care for, a population living on narrow, drought plagued atolls whose coral soils can support only the coconut palm and pandanus. The Banabans enjoy the agriculturally rich island of Rabi in the Fiji group. They have also been able to use their wealth to invest in business enterprises in the larger and relatively booming Fiji economy.

This does not mean that we do not sympathize with the Banaban claims for compensation for past exploitation. We do. Where my Government differs from the Banabans is in our belief that it was the entire country which was exploited not only the Ocean Island landowners.

The Banabans contend that they are not related to the Gilbertese. But we are all micronesian people. We have the same gods, the same language and the same cultural traditions. Common administration

communications established long before. We have always married between the islands and if there are differences between the Banabans and other Gilbertese they are the differences between the people of one village and another village in the same country, the differences between one family and another family in the same village. They are not the differences between one people and another people.

An indication of how closely we are related can be found in the composition of the 1,003 persons who were taken from Ocean Island and settled on Rabi Island in Fiji in 1945. Three hundred were from islands in the Gilberts other than Ocean. Of the 337 men in the party 152 were not Banabans. A recently conducted census showed that of the 2,000 people living on Rabi Island some 250 had both parents born in Gilbert Islands other than Ocean.

The Banabans also claim that the decision of my Government to allow the Ellice Islands to separate from the Colony is a precedent for according similar treatment to Ocean Island. This we cannot accept. In the first place it is a matter of regret to the Gilbertese people that the Ellice islanders have decided to seek separation but we can understand their reasons.

Unlike the Banabans they are not micronesian people; unlike the Banabans they do not speak our language; unlike the Banabans their cultural traditions are different to ours. The separation of the Ellice Islands will be undertaken with the consent of my democratically elected Government while the separation of Ocean Island would be in direct opposition to our wishes.

As I told the United Nations Committee of 24, last November, the Government of the Gilbert and Ellice Islands consider the issue to be straightforward. Is our territorial integrity to be preserved or is fragmentation to take place before independence against the direct wishes of the elected representatives and the vast majority of the people? Is our only mineral resource to be used to benefit the country as a whole or only a few privileged landowners? To us the answers to these questions are clear and present an irrefutable case for the total rejection of the Banabans' request.

Unlike the Banabans my Government does not have the money to spare to engage international experts, foreign lawyers and public relations consultants to lobby on our behalf. I seek the indulgence of your columns in order that the British public be made aware of our strong opposition to the Banaban claim and the reasons for that opposition.

Yours faithfully,  
 NABOUA T. RATHETA,  
 Chief Minister of the Gilbert & Ellice Islands.

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## HOME NEWS

# South Sea islanders challenge Crown over mining royalties

A group of South Sea islanders, in the High Court yesterday, opened the preliminary stages of their law suit against the British Government over the use of Ocean Island for phosphate mining.

They demand production by the Crown of documents that they said are necessary to prove their case. The Crown contends that it is entitled to refuse production of some documents because of Crown privilege.

The islanders are led by Mr Rotan Tito, aged 74, a big landowner on Ocean Island, and the Council of Leaders of another Pacific island, Rabi, about 1,600 miles away, where Mr Tito and other Banabans ("Ocean Islanders") have been settled since the Second World War. Mr Tito is chairman of the Council of Leaders.

In forthcoming actions, estimated to last 54 days in the High Court, the islanders claim declarations that the British Government must hand over more than £7m. which it has received as royalties for phosphate won from the island. They seek further compensation for phosphate sold, they allege, at less than its value. They also want the scarred landscape of the island restored.

The action in which the landowners seek to compel the Government to replant the exhausted mine workings or pay compensation in lieu is expected to take 34 days starting in April.

The action in which the landowners claim royalty money and an inquiry on how much more, if any, the Government should pay is expected to last 20 days.

Mr John Macdonald, counsel for the islanders, told Mr Justice Walton yesterday that in 1900 phosphate was discovered on Ocean Island by an employee of the Pacific Islands Company.

In that year the island became a British settlement, and two years later a subsidiary of the company was granted a 98-year concession by Edward VII to remove phosphate on payment of a royalty of 6d a ton. From 1920 the phosphate had been extracted by the British Phosphate Commission, a consortium of the British, Australian and New Zealand governments, which bought up the mining rights for £3.5m.

Mr Macdonald said the islanders alleged that between 1920 and 1966 the commission sold phosphate in Australia and New Zealand at well below the world price. Users benefited at the expense of the royalties fund, which, he said, was for the benefit of the islanders.

He alleged that royalties paid by the phosphate commission under a 1930 proclamation were below what should have been paid if the phosphate had been sold at its commercial price. If the islanders had known that, they would not have agreed in 1947 to grant mining rights on two new areas.

Mr Macdonald said the islanders were removed from Ocean Island by the Japanese, in 1942.

After the war they were taken to Rabi, which had been bought by the Colonial Office from Lever Brothers for £25,000 paid out of the Banaban Provident Fund. In 1947 they voted to stay on Rabi.

They signed a statement of intent with British colonial officers providing that the Banabans' decision to stay on Rabi should not affect their rights to their land on Ocean Island.

The hearing was adjourned until today.

## South Sea islanders to get their day in court

Nothing must be done to deprive the group of South Sea islanders who are suing the British Government of their day in court, Mr Justice Walton said in the High Court yesterday.

The islanders, known as Banabans, have lodged large claims over the use of Ocean Island for phosphate mining.

The judge rejected an application by the Crown that certain matters should be dealt with as preliminary points before the main actions, fixed for hearing in April and June, were tried.

The judge said: "It could not, I think, fail to appear to the Banabans as a lawyer's trick, designed to prevent their case being heard."

He added that the Crown feared that the practical effect of allowing Banaban witnesses into the witness box might be to provoke "a wide-ranging attack upon the conduct of the Crown in relation to Ocean Island and the Banabans generally".

However, he said, he was content to accept the assurance of

the Banabans' counsel that they did not intend to make such an attack.

He upheld the United Kingdom Government's claim to Crown privilege for 23 documents that the Banabans said should be disclosed to enable their case to be put fully.

The islanders, led by Mr Rotan Tito, aged 75, a substantial landowner on Ocean Island, and the Council of Leaders of Rabi, another Pacific Island, where the Banabans now live, have two actions pending in the High Court.

In the first, due to start on April 8 and expected to last 34 days, the islanders claim that the Crown and the British Phosphate Commissioners must either replant exhausted mine workings with food-bearing trees and shrubs, or pay compensation in lieu.

The second action has been fixed for June 3 to last 20 days. In it the Banabans claim declarations that the Crown must hand over phosphate royalties running into millions of pounds.

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## LETTERS TO THE EDITOR

### Future of the Banabans

*From the Reverend Tebuke Rotan*

Sir, As spokesman of the Banaban people here in London, it was a sad moment when I read the letter you published from the Gilbertese Chief Minister (February 6).

We do not blame the Gilbertese for our present plight. It is under the British Government that Ocean Island and the Banabans have seen their natural resources extensively exploited with little profit or benefit to themselves. Britain has sovereignty, and any decision in our case must come from Whitehall. We had hoped that the Chief Minister would not want the British Government to evade its responsibility for the past by turning the problem over to the Gilbertese.

I can hardly believe the Chief Minister really thinks we Banabans are Gilbertese. We have vast differences in our cultures. To quote H. E. Maude, Department of Pacific Studies, Australian National University, who lived amongst us and the Gilbertese for 40 years: "Forgotten in Gilbertese tradition, unrecorded in the Gilbertese genealogies, it may be doubted if a single Gilbert Islander was aware of the existence of the Banabans at the time of their first contact with Europeans." On Banaban culture, Maude writes: "Much of their (Banaban) social organization has, however, been recorded and this indicates that the structure was essentially different from that of the Gilbertese..."

The Gilbertese have agreed to the separation of the Ellice Islanders because they are a different people: seeing the evidence I have provided, will the Chief Minister now agree that the Banabans should also decide their own future?

The Chief Minister will agree that there is one custom shared generally in the Pacific Islands: it is contrary to our traditional beliefs for the people of one island to take something that belongs to the people of another.

When Gilbertese and Ellice Islanders agreed to British protection in 1892, Britain ignored Ocean Island and none of the leaders of the 16 Gilbert Islands asked that Ocean Island should be included in their group. Research done by Robert Langdon, a leading writer on Pacific affairs, has shown that after we were persuaded in 1900 to sell our birthright for £50 per year, the Law Officers of the Crown found that Ocean Island "became part of His Majesty's Dominions in consequence of the occupation by the Pacific Islands Company and their hoisting of the flag, together with the British sovereign's licence to occupy it". If we Banabans, unskilled in the ways of the Western world, agreed to licence a commercial company to excavate our lands, we never agreed that our homeland should be included with islands which were strange to us so that when Britain left, sovereignty over us would be handed to others. We were never asked if we wanted to

join the Gilberts, and if the British had asked us we would have refused. But we have had to watch the fruit of our land pay for the administration and running costs of a colony that was Britain's responsibility and of which we never considered ourselves part.

We were told we could not return to our homeland after the war, but we agreed to go to Rabi Island in Fiji and reside there only after the Commonwealth Office had made clear in their 1947 statement of intent that our rights to own, return to and reside on Ocean Island would be maintained. We struggled for survival in our strange, new environment and, to establish projects for our children's future, we borrowed money from an American bank in Fiji, and we are still borrowing money from other banks. All this while Britain's Gilbert and Ellice Colony Government was enjoying the bulk of the dwindling resources of our homeland. This year if we receive Australian \$3 million, they will collect A\$17 million, and their accumulated reserves are already very substantial.

Sometimes, it seemed that the spirit of the Banabans on Rabi was almost broken. But always in our soul there has been a vision. It is a vision of home. It is a vision that has sustained us and encouraged us in our fight to right what we consider to be great wrongs, even if that home on Ocean Island consists, after the phosphate has been excavated, of nothing but sharp-ended rugged pinnacles of coral.

In 1967 we came to London to try and get help. We had discussions with the Commonwealth Office and felt we owed it to ourselves to get the best advice we could. Had it not been for the experts in Fiji and Australia referred to by Mr Ratieta, our efforts might have been in vain. And now in London a great legal battle launched by us over the sharing of the proceeds and other aspects of our case is nearing its climax. It would not be proper for me to comment on that except to say that we could not fight this battle against the British Government without foreign lawyers.

But it should be understood that the question of independence goes much deeper than material matters, it touches on the Banaban soul. What we are now asking for, after all these years of tribulation, is the fundamental human right to control our destiny. We want Ocean Island to become independent in associated status with Fiji amongst whose people we have lived for 30 years. Using Rabi Island as our platform, we want to return once more to our ancestral homeland. We were our own masters before the British came and we must be our own masters again.

Yours faithfully,

TEBUKE ROTAN.

Rabi Council of Leaders,  
Buckingham Court,  
78 Buckingham Gate, SW1.

21st December, 1976.

## P.M. UNDER FIRE: GILBERTESE LEADER ALLEGES INTERFERENCE.

The Gilbert Islands say the sole reason for the three-month delay in the introduction of self-government is interference by Fiji's Prime Minister, Ratu Sir Kamisese Mara.

A resolution condemning "intervention" by Fiji in the affairs of the Gilberts has been passed by the House of Assembly in Tarawa.

A report of the condemnation was being studied yesterday by the Fiji Foreign Affairs Department which had no immediate comment to make on it.

Anger in Fiji's role in a dispute between the Gilberts and the Banabans of Rabi Island in Fiji over the future of Ocean Island was expressed in the House of Assembly by the Chief Minister, Mr. Tuboua (sic) Ratieta.

He said the Gilberts had been due to get self-government on November 1 but "at very short notice" Britain had deferred it to January 1.

The Government, a constitutional negotiating team, the parliament and the people of the Gilberts had been let down, he said.

More distressing was that the "sole reason for the delay is the intervention of the Prime Minister of another Pacific country during a meeting at which we were not represented - a meeting of which we were unaware until it had taken place".

Referring to Ratu Sir Kamisese's role in assisting the Banabans with their problems over Ocean Island and its phosphate deposits, Mr. Ratieta said: "I wish I could explain why this outside interference was allowed to delay the date of introduction of full internal self-government."

"But I am at a loss to do so".

The Banabans, now Fiji citizens, have asked for the separation of Ocean Island, their original home, from Gilbertese rule.

At the joint request of the Banabans and Gilbertese, Ratu Sir Kamisese had acted as an intermediary between the two.

Mr. Ratieta told the House of Assembly his government had been told that the Fiji Prime Minister felt more time should be given for consideration of the Banaban views.

Mr. Ratieta said he could only assume Britain had chosen to listen to the Fiji Prime Minister "as a matter of political expedience, rather than take heed of the wishes of the Gilbertese people."

Mr. Ratieta was supported by the Leader of the Opposition Mr. Ieremaia Tabai.

A motion passed by the House expressed "deep concern" that due to intervention by another country self-government had been delayed until January 1.

It sought an assurance that "neither the country concerned (Fiji) nor any other body will be allowed to interfere in the affairs of the Gilbert Islands without the knowledge and consent of the Gilbert Islands Government".

# Why Britain short changed Banabans

By CHRISTOPHER SWEENEY

SECRET documents from the Australian Cabinet and the British Foreign Office have cast new light on Britain's continuing intransigence over paying compensation to the 3,000 former inhabitants of Ocean Island, whose homeland was destroyed by phosphate mining.

The documents, which have been made available to the Guardian, reveal Britain's overriding fear that a settlement with the Banabans, as the Ocean Island inhabitants are called, would create a precedent for other former colonial territories economically exploited in the past.

A submission to the Australian Cabinet from the then Foreign Minister, Senator Don Willesee, also disclosed plans to manoeuvre the Banabans into a hopeless legal position, and a record of

intergovernmental wrangling between Britain, Australia and New Zealand.

The documents cover the period from 1974, when the Banabans launched their protracted legal battle, to 1976, when the High Court finally ruled against them on the central questions after the longest and most expensive case in British history.

For more than 20 years the islanders had been fighting for higher royalties and the restoration of their island of just 1,500 acres in the Pacific, off the coast of New Guinea. The refusal of the British Government to pay larger compensation has long perplexed supporters of the Banabans and the governments in Wellington and Canberra.

According to a submission to the Cabinet in Canberra in January, 1975, the Australian Foreign Minister said that Britain feared that a settle-

ment with the islanders would open a Pandora's Box of claims and counter claims. "Should the Banabans succeed in court . . . a very far reaching precedent could be established in respect of former British colonies and mandated territories. Even a carefully negotiated out of court settlement may pose problems for Britain."

A British Government diplomatic note to the Australian Government on December 16, 1974, made the same point. It said that "to settle at all generously a case against the Crown such as this which is weak in law and is based on events going so far back into the past, could have repercussions in other areas and for other Governments."

To avoid this, Britain repeatedly urged Australia and New Zealand, to form a united front to force the

Banabans to accept minimal compensation. The maximum limit was set at £2.5 millions, according to an Australian Government document, although this in fact would not have come from any of the Governments directly.

Over £9 millions had been collected by the British Phosphate Commission, jointly owned by the three Governments, after the other phosphate rich island of Nauru had gained its independence and renegotiated contracts in 1968. The Foreign Office suggested that the £2.5 millions be deducted from this and the rest split between the countries.

The Australian Cabinet was also told in January 1975 that one of the legal actions brought by the Banabans was more than justified, although Britain was preparing to fight it. Senator Willesee admitted, according to one

Cabinet document, that an agreement to replant trees and restore Ocean Island after phosphate mining had stopped, had been broken.

"This was attempted but failed," he said. Despite this, the British Government and Phosphate Commissioners argued for weeks in court that the original leasing agreement had not been broken.

In a note from the British High Commission in Canberra to the Australian Foreign Ministry on December 16, 1974, a scheme is outlined to outmanoeuvre the Banabans. Although they were going ahead with two separate claims against Britain, the Foreign Office was anxious that both actions be fought together. A separate deal "would encourage the Banabans to try their luck," and "put them well in funds to pursue the royalty action," the document reports.

One central theme in all the documents is the British determination to avoid any publicity over the Ocean Island case, to avoid inevitably embarrassing details leaking out.

The Foreign Office was also determined to tie in Ocean Island to the projected Gilbert and Ellice Island confederation, so that the Banabans' small royalty payments could be used to finance the new state, with or without their approval. This would relieve the British Government of the burden, the Australian Cabinet was told, as the Treasury in London was adamant that any costs be as small as possible.

In the event, London in fact took 85 per cent of the phosphate royalties and gave them to the Gilbertese without the Banabans' knowledge, according to the High Court judgment delivered by Sir Robert Megarry last month.

# Banabans hit back at criticism of Fiji's PM

*Fiji Times 22/12/76*

Banaban leaders said yesterday that the postponement of self-government for the Gilbert Islands was the entire responsibility of Britain as the colonial administrator of the Gilberts.

"To accuse the Prime Minister of Fiji of interfering is totally unjustified" the Rabi Island Council said in a statement.

It said both the Gilberts and the Banabans had accepted Ratu Sir Kamisese Mara as mediator in talks about the future of Ocean Island.

The council's manager, the Rev Tebuke Rotan, said accusation made by the Chief Minister of the Gilberts, Mr Tuboua Ratieta, were a "grave mistake."

He was attacking someone who had

been trying to help as a friend of both sides.

Mr Ratieta told a recent House of Assembly meeting in Tarawa that self-government had been delayed from November 1 to January 1 for no other reason but the view of the Fiji Prime Minister that more time should be given to the Banaban case for the separation of Ocean Island, their homeland, from Gilbertese rule.

The Banaban statement said there was no objection to self-government.

As Fiji citizens they deeply appreciated the Prime Minister's willingness to put their views to Britain.

"A prime minister of any country has every right to make representations on behalf of nationals of his country," the statement said.

## Letters to the EDITOR

### Ocean Is. royalties

Sir — My Government is most grateful to you for giving us the opportunity of placing before your readers some of the facts relating to the Banaban claims.

I would like if I may to comment on the letter from Mr Teai, Secretary of the Rabi Council of Leaders, published in your issue of September 15.

Mr Teai said that any bad feeling which exists between Fiji and the Gilbert Islands "must arise from events which neither the Government of Fiji nor the Banabans exercise any control."

Perhaps Mr Teai would like to inform your readers who instigated the ban on flights to Tarawa, thus cutting off the air link between Fiji and the Gilbert Islands. Certainly this was not done by the Government of Fiji.

Is Mr Teai suggesting that it was beyond the power of the Banaban leaders to have this ban, which was allegedly designed to support their cause, called off?

I suggest that the Rabi Council accept the responsibility which is theirs, and not try to pretend otherwise.

Mr Teai also referred to the Gilbert Islands "phosphate millions."

The Gilbert Islands have deliberately created a reserve

fund from phosphate revenue by husbanding such resources as we could afford for the future. We call the fund the 'revenue equalisation reserve fund' because we hope to use the interest from it to balance our budget when phosphate revenue runs out.

We obtained \$55,142,000 from phosphate revenue between 1945 (when the Banabans moved to Rabi) and 1975.

At the end of 1975 our reserve fund was worth \$32,775,000 — and would have been worth considerably more but for the fall in the value of sterling.

On these figures we have, therefore, used an average of \$750,000 a year over a period of thirty years on recurrent governments expenditure and saved the rest.

Over the same period the Banabans received \$11,604,000.

I don't know what has happened to it because, unlike my Government, the Rabi Council does not publish accounts.

Would they care to explain to the citizens of Fiji precisely how they have spent their tax-free royalties? Has this money, for example, been spent on the development of the villages on the fertile island of Rabi?

Surely the Fijian villager and Indian cane farmer, whose support the Banabans are canvassing, have a right to

know what the Rabi Council has been doing with the millions they have already received as a result of Banaban ownership of land on Ocean Island.

So let Mr Teai not cast envious eyes on the money which we have wisely saved, and imply that we have somehow acquired riches denied to the Banabans.

There are 60,000 Gilbertese living in the Gilberts, and only 2000 inhabitants on Rabi, so that over 30 years since they came to Fiji each Rabi islander has received \$5802 compared with the \$919 received by each person in the Gilbert Islands, most of which remains intact.

Finally, Mr Teai says: "We will try to preserve friendship with everyone."

Friendship is measured by deeds and not by words. Despite the injury done to the Gilbertese people by the imposition of the ban on Air Pacific flights to the Gilberts, the House of Assembly in Tarawa has recently agreed — admittedly with considerable reluctance — to pay the Banabans more than \$A1,300,000 following an agreement signed in July to alter the terms of arrangements made in 1973, according to which the Banabans would not have been entitled to this money until the end of phosphate mining in 1978 or 1979.

Perhaps the Rabi Council would like to acknowledge the generosity, in the circumstances, of this action, and indicate what they in turn

propose to do in their pursuit of "friendship with everyone." — OTIUEA TANENTOA, Minister for Commerce and Industry, Gilbert Islands Government.

# SIMPLE BANABANS UNAIDED IN DEAL

NZPA

London

The British Government allowed a mining deal to take place between the British Phosphate Commissioners and the simple, commercially inexperienced Banabans of Ocean Island without offering the islanders any advice or assistance, a High Court judge said in London yesterday.

The man appointed to look after the Banabans, a Major Kennedy, was banned from helping them, said Sir Robert Megarry, the vice-chancellor.

"That cannot possibly be called good government," he said.

The result of the 1947 deal was that the Banabans accepted a royalty figure for the continued exploitation of phosphate-rich Ocean Island without any provision being made for future increases in the payments.

Sir Robert was on the third day of his marathon judgment in the islanders' claim against the Crown for back-royalties and for the right to have the devastated parts of their island replanted with food-bearing trees and shrubs.

The Banabans have lived on another island, Rabi, 1500 miles away, since the end of the war and want to return to Ocean Island to re-establish a viable economy.

The judge has found against their royalties claim because, he said, the British Government's obligation towards them was not a financial one and was therefore not enforceable by the court.

## 'Liable to Injustice'

The judge said the worst breach of the Government's obligations was in fixing the royalty for mining phosphate from the island in 1931 under an ordinance of 1928.

Even Crown counsel, Mr John Vinelott, QC, had called the ordinance "quite fearful." Another description was that the ordinance was "inept and liable to lead to injustice."

It allowed the value of the surface mining rights to be ascertained by arbitration on the basis of market value, but the fixing of the royalty was left to the resident commissioner on Ocean Island, Mr (later Sir) Arthur Grimble.

He fixed a royalty within two-and-a-half years of writing an "outrageous" letter which pressured the Banabans to sell their land.

Later, said the judge, the Banabans suffered grievous hardship during the wartime Japanese occupation of Ocean Island. They were uprooted from their home and had no chance to see what state the island was in.

The 1947 negotiations took place when they had been less than 18 months on Rabi, an unknown island in a different colony (Fiji) with a different climate. They were in makeshift accommodation and many had been ill.

## Massive Programme

In those circumstances they started negotiations for what was by far their biggest disposal of phosphate land.

The transaction was one in which some provision for varying the royalties in the future should have been considered, said the judge.

But the Banabans were a simple people, knowing almost nothing of the phosphate industry, and were negotiating with a concern of great experience.

If they had received proper advice and assistance, the present court actions might never have been brought.

Regarding the replanting of those parts of Ocean Island devastated by phosphate mining, the judge said the Banabans had asked for a massive programme of demolishing pinnacles of rock, making roadways, filling certain areas with two metres of soil and carrying out plantings.

Evidence had been given that \$A50 million might have to be spent before a single coconut tree was planted.

The judge said the claim for two metres of soil for planting would mean spreading 15 million tons of soil, which was hopelessly impracticable.

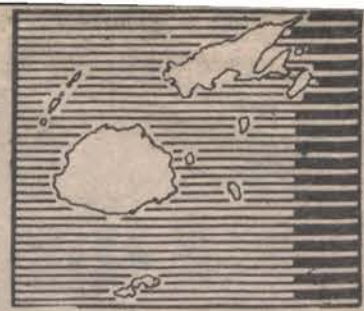
The judgment continues today.



# The Fiji Times

THE FIRST NEWSPAPER PUBLISHED  
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Suva is just west of the international  
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108th Year No. 167

FRIDAY, APRIL 1, 1977

24 PAGES

10c

## FIJI MAY EXPOSE BRITAIN AT UN

PM warns  
UK on  
Banabans

LONDON. — Fiji has warned Britain it will take the Banaban Islanders' case to the United Nations if Britain "funks" over negotiations for a settlement, according to a document reported yesterday to be in the hands of the Guardian newspaper.

The document is described as an account of a meeting held last month in Suva between the Fiji Prime Minister, Ratu Sir Kamisese Mara, and British Foreign Office envoy Mr Richard Posnett.

### ANE KEEPS SMILING



"I FEEL terribly weak," but 14-year-old Ane Rasau manages a smile at home where she is recovering after being speared with a javelin during the Suva zone athletics meeting at Buckhurst Park on Monday.

Ane, a form three student at Ratu Sir Lala Sukuna Memorial School, was crossing the javelin com-

petition area at the far end carrying three bottles of soft drinks for officials when a javelin thrown by one of the competing boys pierced her right calf.

"I couldn't feel a thing when it hit me," she told the Fiji Times yesterday. "I was momentarily stunned. I looked back and saw the javelin stuck into my calf with the sharp end sticking out."

She did not fall. Nearby of-

ficials ran to her aid, pulled out the javelin and gave her first aid.

Ane said she could have lost more blood without the prompt action of the officials.

"I began to feel a throbbing pain when I was carried into a car which took me to hospital," she said. "I didn't cry — I guess I was in a state of shock."

"Even now I am still trying to get over it."

It is said to reveal Fiji suspicions that Britain has deliberately sabotaged efforts towards a settlement with the 3100 Banabans over the phosphate extracted from their original home, Ocean Island.

"At one point the Fiji Prime Minister points out another suspicion, long held by the Banabans, that Britain is delaying a settlement until the rest of the highly priced phosphate is extracted," the Guardian reported yesterday.

The Fiji leader's threat to launch an international campaign against Britain is said to be similar to the tactics adopted by another phosphate island, Nauru, in the 1960s.

Nauru severely embarrassed the Australian Government, which then administered the island, the report said, and the 4000 Nauruans eventually extracted a highly favourable financial settlement as well as independence from Canberra after Australia had been "pilloried in the United Nations and other international organisations."

#### COURT CASE

The Banabans last year brought the longest and most costly court case in British legal history in an attempt to win compensation for the damage done to their island by phosphate mining.

But it ended only in moral victory, with the high court leaving the amount of compensation to the British Government.

No official in the Foreign Office or in the Prime Minister's office could be reached yesterday for reaction to the London report.

A secretary in the Prime Minister's office said it was a Foreign Office matter.

The office of the Secretary for Foreign Affairs, Mr Jioji Kotobalavu, said he was engaged at a meeting.

Another London magazine, Private Eye,

reported yesterday that the British Foreign and Commonwealth Office (FCO) was determined to avoid paying a big sum in compensation to the Banabans.

It wanted the Banabans to make a claim, thus putting them in the position of asking for what might seem to many to be a vast sum.

"This would have enabled the FCO to brand the Banabans as greedy and to offer a much lower sum," Private Eye said.

#### \$70 MILLION

It said the Banabans had outmanoeuvred the FCO by quantifying the amount by which Britain had benefited in mining Ocean Island's phosphates.

This was about \$70 million, plus another \$25 million which Australia and New Zealand had saved by being able to get the phosphate at below the world market price.



#### ELECTION SCOREBOARD

	✓	?
	?	✓
	?	✓
	✓	?
	?	✓

Keep track of who's in and who's out. Results of the General Election will be released from Saturday night.

The Fiji Times Election Scoreboard will be in your Saturday Times. Fill in the names of the winner, the votes cast, the winning majority, etc.

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#### WEATHER

Forecast: Mainly fine.  
Details Page 16.

On Page 24:

**FIJI'S LEADING NEWSPAPER**

● Catarogo faces tough test

# BRITAIN COULD GIVE WAY TO BANABAN CLAIMS, SAY OBSERVERS

If Britain faced a rupture with Fiji over the Banaban issue, Britain would give way to Ocean Island separation, according to diplomatic observers in London.

The reports say that British Foreign Office departments concerned with dependent territories and the Treasury see their overriding interest as protecting the Exchequer from demands which could possibly be avoided.

Their policy was to prevent the Banabans receiving future

phosphate revenue which was due to be invested in the Gilberts.

The phosphate money would help the Gilberts balance their budget and avoid calling upon the British Treasury for grants in aid.

The observers suggest that other Foreign Office departments which carry considerable power would overrule these considerations and push for permitting Ocean Island independence if Fiji threatened

to rupture its traditional friendly relations with Britain over the matter.

The Banabans have said they would only accept the British Phosphate Commissioner's offer of \$10,000,000 to settle their Ocean Island claims if they also get immediate separation and control over phosphate revenue.

The chairman of the Rabi Council of Leaders, Mr Rotan Tito, gave the Prime Minister a letter before he left Fiji on Sun-

day for the Commonwealth Conference which said: "For much of my life I have been fighting against wrongs done to our people and our homeland.

## CLIMAX NEAR

"Now at last it seems that the struggle is reaching its climax.

"Perhaps before I die I will see once more a free Ocean Island whose remaining natural resources will go to the people to whom they belong.

"Then my soul will rest in peace."

At Nadi a deputation, including the Tui Vuda, Ratu Josaia Tavaia, the Mayor of Suva, Cr Hari Punja and the chairman of Lautoka Alliance District Council, Mr Dan Costello, gave Ratu Sir Kamise a letter recording their whole hearted support for the Banabans.

Ratu Julian Toganivalu, now a senior official with the Nauru Government and a former ad-

visor to the Banabans, said in Nauru yesterday that there was no substitute for the Banabans getting back their island.

He did not consider the British offer of \$10,000,000 satisfactory.

"Britain seems to have palmed off its responsibility in this matter on the British Phosphate Commissioners," he said.

"It is the United Kingdom's responsibility to provide for the future of the Gilberts, rather than the Phosphate Commission."

There was a lack of traditional British spirit in the whole affair, Ratu Julian said.

Guardian 35/3

# Fiji warns Britain on island row

By CHRISTOPHER SWEENEY

In secret talks, Britain has been severely criticised over its handling of the protracted dispute with the Banaban community and warned by the Prime Minister of Fiji that an international campaign may be launched against the Government.

In private meetings with a Foreign Office emissary, Sir Kamise Mara, one of the most influential leaders of the Pacific community, said that the issue would be taken to the United Nations if Britain "funked" over negotiations for a settlement.

An account of the meeting, in the possession of the Guardian, reveals suspicions that Britain has deliberately sabotaged efforts towards a settlement with the 3,100 Banabans, whose tiny homeland of 1,500 acres in the west Pacific was destroyed by phosphate mining.

At one point the Fijian Prime Minister points out another suspicion, long held by the Banabans, that Britain is

delaying a settlement until the rest of the highly priced phosphate on their homeland of Ocean Island is extracted.

The talks between Sir Kamise Mara and the Foreign Office emissary, Mr Richard Posnett, took place on February 24 in Fiji. Mr Posnett, a former colonial governor acting as personal representative of the junior Foreign Office Minister, Lord Goronwy Roberts, has now returned to London. He spent more than a month in the Pacific region in talks with Australia, New Zealand, Fiji, and other regional administrations over the complex question of a financial settlement.

The Fijian Prime Minister has a lot of influence in the Pacific region, and his threat is not being taken lightly by the Foreign Office. Another phosphate-rich island, Nuaru, adopted the same tactics in the sixties, severely embarrassing the Australian Government, which then administered the island. The 4,000 Nuaruans ul-

mately extracted a highly favourable financial settlement as well as independence from Canberra, after Australia had been successively pilloried at the UN and other international organisations.

For more than 50 years the Banabans have been fighting the British Government over the destruction of their island by the British Phosphate Commissioners. The campaign has included a High Court battle which proved to be the longest and costliest in British legal history.

Although the Banabans won a moral victory, the Vice-Chancellor, Sir Robert Megarry, in the High Court left the question of compensation payments to the Government. The Banabans, and now the Fijians, have all along claimed that Britain would not pay compensation as it would open the doors for a host of other claims from

former colonial dependencies exploited economically in the past.

The confidential documents in the possession of the Guardian also reveal that the Banabans had made a request for the integration or association of Ocean Island into Fiji. However, this would depend on British agreement, as the island, off the coast of New Guinea about halfway between Australia and California, is regarded by Westminster as part of the Gilbert Island confederation.

For years the Banabans have opposed this, claiming that the Gilberts have been soaking off their royalty payments. According to agreements reached in 1947 and 1973, the Gilberts get 85 per cent of the Banabans' payments for the phosphate mining.

In the secret talks the Fijian Prime Minister implies that Britain may have deliberately sabotaged relations between Fiji and the Gilberts. Sir Kamise Mara said that Fiji

could no longer act as intermediary between the Gilberts and the Banabans. In future, his government would act as the Banaban adviser.

The prospect of an international campaign at the UN and elsewhere against Britain has clearly worried the Foreign Office. Yesterday the Foreign Office said that a report from Mr Posnett was still being studied.

Fiji, despite its geographic isolation, has considerable diplomatic muscle in the Pacific and parts of the Third World. It could also use the coming Commonwealth Prime Ministers' conference in London to embarrass Britain.

Australia and New Zealand, who have both urged Britain towards a settlement in the past, are also looking askance at being caught in a fight between Fiji and the rest of the Pacific community and Britain. This region is important to Wellington and Canberra in their foreign policy outlook.

9/8/77

## Compensating the Banabans

*From Mr Anthony Kershaw, MP*

*for Stroud (Conservative)*

Sir, There is not in the House of Commons a more doughty fighter for any underdog than my colleague from Essex South-East, Sir Bernard Braine. But in his fervid championship of the Banabans (letter, August 6) I think he has allowed his generous heart to overwhelm his judgment of what is fair and reasonable.

No one denies that for a time the Banabans were paid rather less than was fair in royalties for the phosphate on their island. This injustice Her Majesty's Government seek to put right by an ex gratia payment. Nor does anyone deny that the Banabans, like everyone else in the area, suffered cruelly during the Japanese war.

But the Banabans' demands go far beyond compensation. They say they should be paid virtually all the royalties, not just a special proportion, basing their claim on the assertion that they were never part of the Gilbert and Ellice Islands Protectorate or Colony, and that they are of different race to the Gilbertese. This is frankly nonsense, on both counts. The Banabans' Ocean Island was for a time the capital of the Territory; and even the Banabans admit that there are probably no pure blood Banabans still extant, so much intermarriage with the Gilbertese there has been.

The Banabans' claim that they wish to return to Ocean Island is equally spurious. Ocean Island is almost entirely of phosphate: when the rock is removed a desert is created. Even if millions of tons of soil were transported there, as the Banabans demand, the island could only support about 100 people. There are 2,000 Banabans, living on Rabi Island, in the Fijis; a fertile and uncrowded island which they were given when Ocean Island became uninhabitable. None, or very, very few, even want to move back to Ocean Island, and the furore that they have worked themselves into is a phoney demand worked up by their leaders recently in order to screw some more money out of some one, whether it be Her Majesty's Government, the British Phosphate Commission, Australia, New Zealand, or the Gilberts.

As it is the Banabans, because of royalty payments, have a considerably higher standard of living than the Gilbertese, the Fijians or any other inhabitants of the area, and if they would get down to developing their island of Rabi, instead of waiting around for more dividends and cash, they would be better off still.

It is quite impractical to administer Ocean Island separately from the Gilberts, as Sir Bernard suggests. The island is only 24 hours' steaming from the Gilberts, whereas it is 1,400 miles from Rabi. The Gilbertese are absolutely adamant that Ocean is part of their group and its exclusion would wreck the constitutional conference about Gilberts' independence. Administratively, any aid, medical, police or whatever must come from the Gilberts. Finally the Government of Fiji, which is the sovereign power in relation to the Banabans on Rabi, would refuse to take over Ocean against the wishes of the Gilbertese.

The Banabans are entitled to our sympathy and support. They have had both. It is sad to be displaced. But any idea that the Banabans are living in some kind of refugee camp, longing to return to the home of their ancestors, is the reverse of the truth. Their trouble is emotional and psychological, not material. Their refusal to negotiate, even to talk to the Gilbertese, immures them behind an even higher wall of misunderstanding and ill-will. But it is a wall they have built themselves.

I beg to remain, Sir, your obedient servant,

ANTHONY KERSHAW,

House of Commons.

August 6.

CT

13/7/79

# New flag marks birth of nation

**BAIRIKI, Kiribati, Thursday (AAP).** — A new flag was flying over the new nation of Kiribati (formerly the Gilbert Islands) today.

Independence from Britain for the republic of 33 tiny islands came at midnight last night when Princess Anne and Kiribati's President, Mr Jeremiah Tabai, 29, watched the simultaneous lowering of the Union Jack and the raising of the new red, blue and yellow flag.

About a fifth of Kiribati's population of more than 55,000 was in Bairiki's sports stadium on Tarawa atoll to cheer as the new flag fluttered in a gentle easterly breeze from the top of the pole.

Then the lagoon was lit up by a fireworks display from HMAS Torrens.

The changeover from colony to independent republic climaxed a night of singing and dancing by hundreds of village people in grass skirts.

Representatives from more than 20 Pacific nations and Britain are in Bairiki for the celebrations.

They include the New Zealand Prime Minister, Mr Muldoon, and the Australian Minister for Foreign Affairs, Mr Peacock.

Kiribati, which is scattered across two million square miles of the Pacific Ocean, faces an uncertain future.

President Tabai will have to tackle tough problems which include a dwindling supply of phosphate deposits, the country's only source of revenue. The supply is expected to run out at the end of the year.

Strict security precautions, kept well behind the scenes, were taken to prevent any outbreaks of trouble from dissident islanders in the group who want to split away from Kiribati.

The dissidents, from the remote phosphate-rich island of Banaba, have vowed to continue their struggle for self-rule. Earlier this year they hurled gasoline bombs to disrupt phosphate mining on their homeland.

# Banabans will not give up demands

From Iain Guest in Suva, Fiji

LEADERS OF the Banabans returned from London, disappointed at their defeat in the House of Commons, but determined to keep up pressure on the new Government of the Gilberts after independence on July 12.

The Banabans demanded independence for Ocean Island as their ancestral homeland, but Britain insisted that it remain a part of the Gilberts. An amendment in the House of Lords to exclude Ocean Island from the new country, to be called Kiribati, was also defeated by 150 votes to 25.

After a frustrating week of unsuccessful lobbying in London, the six-man Banaban team yesterday accused Britain of "once again cheating the Banabans out of their birthright."

"The British Government has now committed the final betrayal," said the Rev Tabaiti Tawaka, their spokesman, who refused to allow me — an unwelcome Briton — to visit Rabi, the island off Fiji which the Banabans bought in 1947, after the Japanese devastated Ocean Island during the war.

Despite the Banaban's reaction, most foreign diplomats in Suva feel that the Commons vote has finally laid the ghost of Ocean Island after several years of agitation by the Banabans — first for backpayments on phosphate royalties, latterly for independence from the Gilberts.

Earlier this year, 39 Banabans were arrested for throwing petrol bombs at property of the British Phosphate Commission, which has been extracting phosphate from the island since 1900.

But the Banabans themselves appear determined to continue the struggle, thus creating yet another headache for the new Government of Kiribati, which will be plagued by a lack of resources and poor communications. The new country, with a population of 56,000, is strung out over islands covering an area of more than one million square miles.

The Banabans eight man council, elected from four villages on Rabi Island, were meeting all day yesterday to decide how to explain the failure of their mission to the 2,500 Banabans who live on Rabi.

There is some angry talk of moving the whole Banaban population back to Ocean Island. But realistically, there are few options left, particularly as the island will be unable to support more than a handful of inhabitants once the British Phosphate Commission ceases exploitation of phosphates at the end of the year.

The Banabans intend to talk to the Gilbertese about increasing the representation of Ocean Island in the new 35-member Kiribati Assembly. This was fixed at one member during a constitutional meeting in London last year — from which the Banabans walked out in protest. Council members say that the Gilbertese have promised to increase their quota.

According to one member, the Banaban Council has also decided to accept nearly £5 millions offered by the Governments of Australia, Britain and New Zealand, following the conclusion of the High Court case in 1976. Mr Justice Megarry found against the Banabans' claim to back-payment, but did conclude that they had been underpaid by the British Phosphate Commission.

The British have also offered £1 million for the development of Rabi Island, but insist that the £5 millions remain in a trust fund.

The Banabans are consulting an Australian firm, though they are deeply angered by the conditions and feel that they are entitled to spend the money as they please. By a sad coincidence, the Commons vote last Wednesday took place on the same day that Rabi Holdings, the company established in Suva to invest phosphate royalties, went into liquidation. The Banabans concede that they have lost more than £2 millions in the venture

# Carter wins sanction appeal

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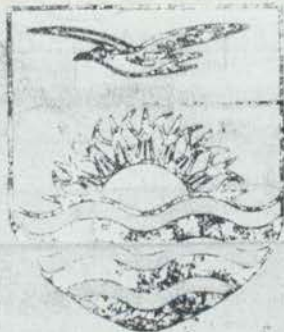
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# AAPU PIONEER

No. 283

2nd February, 1978

# ELECTION RESULTS

THE GILBERT Islands General Election was carried out yesterday on all the islands. The polling stations opened from 7 o'clock in the morning until closing time at six in the evening.

The full results are:

<u>MAKIN</u>		
Binata Tetaeka	-	257 votes (New Member)
Ibeata Tonganibeia	-	151 votes (Lost seat)

<u>BUTARITARI</u>		
Toanimatang Teraoi	-	373 votes
Paul Enoka Benson	-	238 votes
Ieremia Tata	-	198 votes
Meteo Rua tu	-	192 votes
Tebabura Rawa	-	175 votes
Noel Tonganibeia	-	158 votes
Kamraratu Kamraratu	-	144 votes
Sambo Tiro	-	125 votes
Teeri Naue	-	96 votes
Anterea Kiata	-	95 votes
Tibwere Noram	-	84 votes
Tetabo Kite	-	69 votes
Burita Toma	-	58 votes

The first four candidates will stand for the second election on Monday to contest for the two election on seats.

<u>MARAKEI</u>		
Naboua T. Ratieta	-	684 votes (Re-elected)
Tabeata Tamaiti	-	361 votes
Atanraoi Baiteke	-	186 votes
Ruotake I. Iantin	-	99 votes
Kantera Tebwebwe	-	97 votes
Berenato Eritane	-	87 votes
Kamatie	-	87 votes
Ientaake Kabiriera	-	84 votes

The second seat for Marakei will be contested by Tabeata Tamaiti, Atanraoi Baiteke and Ruotake I. Iantin, at a second election on Monday.

<u>ABAIANG</u>		
Toanoo Teanaki	-	1,045 votes (Re-elected)

Taniera Kautoa	-	424 votes
Mote Karebau	-	201 votes
Tebaubwebwe Tiata	-	186 votes
Uakerita Kanoanie	-	118 votes
Matakite Bamatang	-	64 votes
Bwebwenibeia Kararaua	-	46 votes
Mwea Tareti	-	35 votes

The second seat for the island will be contested by Taniera Kautoa, Mote Karebau and Tebaubwebwe Tiata also on Monday.

<u>MAIANA</u>		
Bwebwetake Areieta	-	277 votes
Teraaka Biribo	-	206 votes
Baie Teanako	-	63 votes
Katiua Taniera	-	57 votes
Betero Teaeki	-	24 votes
Rauina Utiera	-	13 votes

A second election will be conducted on Monday for the Maiana only seat. Standing for this election will be Bwebwetake Areieta, Teraaka Biribo and Baie Teanako.

<u>ABEMAMA</u>		
Bauro Tokatake	-	276 votes
Teewe Arobati	-	263 votes
Tekinaiti Kaiteie	-	216 votes
Tebao Maitinnara	-	215 votes
Bwebweata Karotu	-	185 votes
Paul B. Tokatake	-	168 votes
Anterea Kaitake	-	97 votes
Kakaiwa T. Kirimaua	-	74 votes
Karibaua Tetabo	-	29 votes

A re-election for the Abemama seat will be conducted on Monday contested by Bauro Tokatake, Teewe Arobati, Tekinaiti Kaiteie, and Tebao Matinnara.

Second election on

# NATIONAL ELECTION RESULTS

From Page 1

## NONOUTI

Ieremia Tabai	718 votes (Re-elected)
Etekiea Batiu	449 votes (New Member)
Maraiti Katia	175 votes
Tanentoa Airam	146 votes
Tanini Tekiaba	24 votes

## BANABA

Bauro Teteki	-	74 votes
Tabuarorae Taniera	-	60 votes
Tongaua Kabwebwe-nibeia	-	60 votes
Ueaieta T. Namonoku	-	60 votes
Nenehati	-	44 votes

No one got the qualified number of votes. A re-election will be held on Monday.

## TABITEUEA NORTH

Baraniko Raaba	-	400 votes
Leo T. Ubaitoi	-	354 "
Teaobure Ueanteiti	-	301 "
Tito Teburoro	-	236 "
Taberannang Timeon	-	171 "
Aretian Tebeua	-	154 "
Borere Yee On	♀	120 "
Tekea Bokai	-	36 "
Enere Tekena	-	23 "

Again, no candidate was qualified at the election. A re-election will be held on Monday with Baraniko Raaba, Leo T. Ubaitoi, Teaobure Ueanteiti and Tito Teburoro contesting the seats.

## TABITEUEA SOUTH

Teitintau Tetiana	-	218 (New Member)
Bureua Kamaoto	-	107 votes
Tareka Aara	-	43 "
Anterea Tamton	-	13 "
Taokai Ruka	-	13 "

## BETIO

Roniti Teiwaki	-	751 votes
Sam Highland	-	554 "
Teburea T. Bakaoti	-	505 "
Bwebwentaratai Benson	-	492 "
Willie Schutz	-	395 "
Derek Andrewartha	-	351 "
Simeon Teem	-	247 "
Batirio Etuare	-	192 "
Toawea Wateti	-	186 "
Buren Ratieta	-	185 "
Mamara Arawatau	-	176 "
Taribo Tebui	-	168 "
Teitiaki Ioteba	-	137 "
Joseph Kautu	-	
Kamoriki	-	96 "
Tonga Teikerawa	-	73 "
Ioteba K. Timau	-	37 "

Taboia Tewita	-	25 "
Toaneti Taumarawa	-	14 "
Itaia Timon	0	12 "

No candidate received 50% of the total votes cast so a re-election will be held on Monday. Only five candidates will contest the three seats for Betio. They are Roniti Teiwaki, Sam Highland, Teburea T. Bakaoti, Bwebwentaratai Benson, and Willie Schutz.

## RURAL TARAWA

Teweia Uaruta	-	453 (Re-elected)
Tekaaia Tekaaia MBE	-	226 votes
Nataua Taniera	-	148 "
Tenanoa Kanono	-	137 "
Tekabu Tika	-	115 "
Nawaia Tekanene	-	112 "
Ioteba Tekima	-	106 "
Tabekatarawa Tebau	-	67 "
Tararua Taie	-	63 "
Nabuaka Teraoi	-	43 "
Uro Kanimea	-	39 "
Tokintemate Bare	-	34 "

The second seat for Rural Tarawa will be contested at the second election on Monday by Tekaaia Tekaaia, Nataua Taniera and Tenanoa Kanono.

## TARAWA TE-INA INANO

Abete Merang	-	676 votes
Nei Tekarei Russell	-	496 "
Toromon Amanu	-	334 "
Karawaiti Taraia	-	333 "
Toia Taruru	-	310 "
Kabaneiti T. Biribo	-	305 "
Aritake Kauongo	-	265 "
Ianeta Clare Baiteke	-	255 "
Mikaere T. Teatia	-	218 "
Beia Kaitara	-	205 "
Betero Baua	-	195 "
Kaitara Metai	-	176 "
Kaburoro Tanielu	-	172 "
Kourabi Rakunoua	-	111 "
Tata Moantewa	-	108 "
Nauto Tekaaia	-	100 "
Kaibariki Mawanei	-	91 "
Korina Takeimoa	-	88 "
Kouratake Taburimai	-	60 "
Terotoma Teraoi	-	49 "

The three seats for Tarawa Te Inainano will be re-contested on Monday by Abete Merang, Nei Tekarei Russell, Toromon Amanu, Karawaiti Taraia and Toia Taruru.

## ARANUKA

Ioane Benna	-	101 votes
Rotiata Binoka	-	87 "
Tebiria Takao	-	60 "

Continued on Page 4



## ELECTION

From Page 2

Anteremo Baiteke	-	52	"
Bira Bename	-	40	"
Mangoia Atantarawa	-	16	"

A second election will be conducted on Monday in which Ioane Benna, Rotiata Binoka and Tebiria Takaio will contest the only one seat for the island.

### Kuria

Tetimra Taie	-	145	votes
Inatio Binoka	-	71	"
Kauarekea Bakeua	-	70	"
Taboi Kaiuea	-	25	"
Tebati Teeta	-	15	"

Again a re-election will be conducted on Monday. Tetimra Taie, Inatio Binoka and Kauarekea Bakeua will contest for the seat at the re-election.

### Nikunau

Tiwau Awira	-	393	votes (New member)
Beeni Tongaia	-	69	votes
Tetoa Ubaitoi	-	64	"
Erekana Tebuanna	-	61	"
Tia Aate	-	15	"
Timeon Kaeba	-	6	"
Timon Bwenna	-	2	"

### Onotoa

Babera Kirata	-	351	votes (New member)
Taia Teinamati	-	81	votes
<u>Tamana</u>			
Boanareke Boanareke	-	315	votes (New member)
Kairo Matiota	-	76	votes
Robati Natano	-	42	"
Bouateaina Tewe	-	30	"
Tarati Nabetari	-	14	"
Iobi Iobi	-	6	"
Ribanti Ioteba	-	6	"
Tebou Teburae	-	6	"

### CHRISTMAS ISLAND

Berenato Tawita	-	23	votes
Bwebwe Manikaoti	-	45	"
Kabwebwenibeia Yee On	-	43	"
Kaokatekai Baiteke	-	53	"
Moiua Toariri	-	164	"

The valid papers cast were 328 and so no candidate obtained a clear majority although Moiaua Toariri failed to do so by only one vote. A second election will therefore be held on Christmas Island on Monday the 6th February between Bwebwe Manikaoti, Kaokatekai Baiteke and Moiaua Toariri.

### PANING ISLAND

Mack Redern	-	50	votes
Ratu Kaiteie	-	45	"
Willie Yee On	-	91	"

Again no candidate obtained a majority of the valid ballot papers cast and so a second election involving all three candidates will be held on Monday 6th February.

The result for Washington is not yet received.

2nd February, 1978

# GOVERNOR RETURNS FROM WASHINGTON AND LONDON

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## INTERVIEW WITH PIONEER REPORTER

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Reporter: Sir, did you have a good time going again overseas for some weeks?

H.E.: Well, I don't call it a good time to have to go from here to Europe and back inside a couple of weeks and in this particular two weeks I encountered snow-storms, floods, fog and even the aftermath of an earthquake in Guam. I also seem to suffer from a great many delays and cancellations of flights.

I spent seven hours hanging around the Airport at Suva trying to get to Nadi on my way to England having had to spend the night unexpectedly in Funafuti. And I called that was bad until I had to spend 17 hours at Kennedy Airport in New York waiting for the fog to lift so that the plane could start flying again to get to San Fransco on my return.

So, its been a pretty hectic couple of weeks I can assure you.

Reporter: After all these experience, what was the main purpose of your visit to the States and to London?

H.E.: The main purpose of my visit was to get into a negotiating position with the United States over their claims to 14 of our islands that's the 8 Phoenix Islands and 6 of the Line Islands including Christmas Island.

I had to go to London first to clear up a few things with the British Government and then I had very useful talks in Washington with the Americans. I was also able to discuss the Independence Timetable while I was in London and also the referendum on the future of Banaba both with the British Government and also with the United Nations in New York. And finally in San Francisco I had some very interesting discussions with an American Businessman. He's in a scrap metal market already doing things on Canton and interested in Christmas Island. He also had jobs to offer Gilbertese.

Reporter: What's the outcome of the talks over the Phoenix

*Continued on Page 6*

# H.E. BACK

From Page 4

Islands and also the Line Islands?

H.E.: Well, the United States Government is prepared to give up their claims to all of the islands with the exception of three. The three islands they are interested in are Canton, Enderbury and Hull. They are interested in maintaining their facilities on Canton with the additional small facilities on Enderbury and Hull which are used in tracking satellites and missiles.

They were used during the 'Moon Shots' in the 1960s and for the last few years since 1970 the United States Air Force has kept these facilities up for some of its own work. They would very much like to be able to go on for another ten years or so and they have got a lot of facilities there and I see no great difficulty in reaching an agreement with them which I hope, will ensure that we also are as re-established in the Phoenix Islands and obtain employment among other things at the Air Force Base.

Reporter: What about the island in the Line Group?

H.E.: Well, if we could come to some agreement over Can-

ton, Enderbury and Hull then I think there would be no difficulty in persuading the United States to give up their claims totally to Christmas Island and other islands in the Line Group.

Reporter: How are we going to get an agreement with the US Government?

H.E.: We discuss the basis of an agreement while I was there and I hope to have within a matter of a few weeks proposals from the United States Government to put to the Government here.

Reporter: And what's the purpose of your visit to London?

H.E.: The real purpose of my visit to London was to discuss the United State's claims and of-course Britain is responsible for our foreign affairs so I had to get authority from the British Government before I started to negotiate in Washington. But while I was in London, I had the opportunity to talk with Coronwy Roberts, the Minister responsible for our affairs and I explain to him what was happening with the election and that I hope that we had a new government here which would be able to consider matters by April and we would then be getting involved in the referendum on the future of Banaba and we were able to agree that perhaps we would be ready for a pre-independence constitutional conference

Continued Back Page

# HE BACK FROM TOUR

to be held in October this year.

Reporter: About the businessman you mentioned earlier can you tell more about him?

H.E.: This is the direct result of my visit to Canton last year. The person concerned has a contract with the United States Government to refurbish few tanks and he does quite a lot of work out there salvaging scrap. He's interested in a number of things. First of all he wants to get his scrap shipped out of Canton and I hope to be making arrangements for that to happen. It will be a useful cargo for us on return trips from Christmas Island.

Secondly, he would like to employ some people here to work with him in Canton and thirdly he had a very interesting proposition which he is going to put to Government to establish a fishing camp at Canton

employing our people which would provide facilities for wealthy Americans to come and fish for a week at a time perhaps about ten people coming in on a small plane and having facilities to enable them to go out fishing - the bigger fish and they would pay quite highly for this and it could be a very interesting development of a specialised form of tourism, which could expand in

the future possibly to some of the other islands where fishing is very good.

Reporter: Would it be possible to extend it to Christmas Island?

H.E.: Yes, I mention our interest in Christmas Island with the same project and he would certainly be interested in going to the island, I also told him the possibility of scrap there and he got very interested and I promise to let him know when

the next charter flight will be available from Honolulu into Christmas. I found this person a man of great energy and enthusiasm and interest to have done some fascinating thing around the world and he was very anxious to approve that he was a reliable sort of person who wanted to do an honest job, business in our islands which he come across quite by chance from his contract with the United States Air Force.



# Atoll Pioneer

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No. 290

23rd March, 1978.

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## NEW CM FORMED HIS NEW CABINET

THE FORMER Leader of the Opposition, Mr Ieremia Tabai, had an overwhelming victory over his other three opponents at the National Election for the office of Chief Minister held last week-end.

Mr Tabai had a clear majority with 8,782 votes. Mr Roniti Teiwaki came second at 3,897 votes, third was Mr Babera Kirata with 1,844 votes and fourth was Mr Taomati Iuta with 1,270 votes.

Mr Tabai was voted into his new office at a very interesting period of time. The country is moving towards independence and the Gilbertese people are looking towards Mr Tabai to take us there as fast as we can.

The new Chief Minister fully realised his new role and because he commanded the confidence of the people he is sure not to disappoint them.

In his "thank you" message to the nation over Radio Tarawa, he re-affirmed his beliefs and said, "All that I believe in, but without the power to fulfill them, are now to be accomplished. You



*The new Chief Minister..... his first day in office.*

have given me the power to do so. However, you must bare with me and have patience because not all can be achieved straight away. Some will take time, but believe me, I will carry out what I have said I will".

Mr Tabai does not believe in the Defence Force but believed in the freedom of the Press. He

does not believe in fragmentation but believes in the intergrity of the country..

He has now formed his cabinet but has not (at the time of going to press) allocated portfolios yet. His ministers are Mr Babera Kirata (Ontoa) formerly Secretary for Finance; Mr Taomati Iuta (Beru) formerly Mananging Director of Atoll

Products; Mr Abeto Merang (Tarawa Urban) formerly a member of the Opposition; Mr Tiwau Awira (Nikunau) formerly Accountant of the Supply/Division; Mr Ieremia Tata (Butaritari) formerly BKATM Union Organiser; Mr Roniti Teiwaki (Betio) formerly Minister of Finance and Mr Teatao Teannaki (Abaiang) formerly Minister of State.



# Atoll Pioneer



No. 291

30th March, 1978

## CHIEF MINISTER SELECTS

## HIS TEAM

THE CHIEF MINISTER announced on Tuesday the portfolios he proposes to assign to his Ministers.

He has made a number of changes to the existing portfolios as a means of directing more attention to areas to which his Government attaches major importance.

Four Ministries remain unchanged.

These are: The Ministry of Finance which is assigned to the Honourable Tiwau Awira.

The Ministry of Education, Training and Culture which is assigned to the Honourable Teatao Teannaki.

The Ministry of Health and Community Affairs which is assigned to the Honourable Babera Kirata.

The Ministry of Works and Utilities which is assigned to the Honourable Ieremia Tata.

The new Ministries are:-

The Ministry of Labour and Manpower.

The government considers it important to ensure equality of treatment and opportunity among workers throughout the Gilbert Islands.

This Ministry will therefore bring together Labour and

Personnel and be responsible for Manpower planning and the introduction of national conditions of service.

The Ministry is assigned to the Honourable Abete Merang.

The Ministry of Natural Resource Development.

This Ministry is being created to ensure better coordination of the development of natural resources throughout the Gilbert Islands.

The Ministry has been assigned to the Honourable Taomati Iuta.

The Ministry of Trade and Communications.

With the formation of a new Ministry of Natural Resource Development matters concerning trade have been allocated to a Ministry of Trade and Communications.

The new Ministry keeps the portfolio of the former Ministry of Transport and Communications but added are, Trade and Co-operatives.

The Ministry has been assigned to the Honourable Roniti Teiwaki.

The Ministry of Local Government.

It is the new Government's wish to

provide more effective local government and to do this a Ministry concerned primarily with local government has been created.

This Ministry will however be under the personal charge of the Chief Minister,

the Hon. Ieremia Tabai, who will in addition retain his responsibility for the Chief Minister's Office.

A full list of the new Ministerial responsibilities will be included in next month's gazette.

### FOUR MINISTRIES

### REMAIN UNCHANGED

## MHA INVITED TO MANEABA OPENING

CONSTRUCTION work on a big Council maneaba at Taburao Abaiang has been completed. Construction work on maneaba took about 2 years to complete.

Two local associations on the Island financed the project. The Associations are the "Ainen te Mwe-raoi, a women's community association and the Botaki n Unimanen Uen Abaiang or the Abaiang Old Men Flower Associa-

tion. The maneaba was built of permanent materials.

The Nonourable member of Abaiang Mr Teatao Teannaki said on Tuesday that the people of Abaiang have send invitations to members of the House of Assembly to attend the opening of the new maneaba. He said that they expected 300 invited guests during the occasion.

# THE CHIEF MINISTER AND MINISTERS



The Hon. Ieremia  
Tabai - Chief  
Minister.



The Hon. Tiwau  
Awira - Minister of  
Finance.



The Hon. Teatao  
Teanaki - Minister  
of Education,  
Training and  
Culture.



The Hon. Babera  
Kirata - Minister of  
Health and Community  
Affairs.



The Hon. Ieremia Tata  
- Minister of Works  
and Utilities.



The Hon. Abete  
Merang - Minister of  
Labour and Manpower.



The Hon. Taomati Iuta  
- Minister of Natural  
Resources Development



The Hon. Roniti  
Teiwaki - Minister  
of Trade and Com-  
munications.

# RABI COUNCIL, COMPANY

## QUERIED

Community group wants  
probe of island affairs

The newly formed Banaban Community Association has called for a complete investigation into the Rabi Island Council's affairs dating back to 1946.

And the Registrar of Companies is starting proceedings against Rabi Holdings for failing to produce its 1975-76 accounts in time.

The new association says it wants a thorough look in particular into the council's affairs during the years 1969 to 1973, when it says the accounts were not audited.

During a meeting with some of the committee members of the Banaban Community Association, including their chairman, Mr Henry Spring, a Fiji Times reporter was told that not only had the Rabi Island Council's accounts not been audited during 1969 to 1973, but no records had been kept during this period and documents were missing.

Among the missing documents were three

cheque books each containing 200 cheque leaves.

Further, the association says that when Rabi Island Council was audited in 1974 by Suva accountant, Mr Girdhar Lal, he did not certify that everything was in proper order.

Mr Lal yesterday refused

to comment on this statement.

Rabi Island Council is composed of eight councillors who are elected by the Banaban people at three-yearly intervals.

The chairman throughout the 1969 to 1973 period was Mr Tito Rotan.

The council controls the trust fund which now totals approximately \$15 million. This is the revenue from the phosphate being mined on Ocean Island.

The administration and distribution of this is in the hands of the Rabi Island

Council Minister, according to the Banaban Community Association, has never accounted to the people for what they do with the money.

They claim that the Banabans have been kept "ignorant" of the distribution of the phosphate revenue.

The Banaban Community Association has retained Suva lawyer Mr Peter Knight to look into Rabi Holdings on their behalf.

They have asked Mr Knight to look into Rabi Holdings' annual reports which have not been distributed to shareholders dating back to 1970 and into the company's accounts over the same period.

The association, which was formed in November last year, says its aims are to foster and promote the general welfare of its members and to safeguard and protect the members' interests.

The group is open to all Banabans and has about 200 members in Suva and Rabi.

## VOICE FOR BANABANS

The Rabi Island Council will be able to appoint one special member to the new Gilbert Islands House of Assembly, according to a Gilbertese Government statement.

And, like all other islands in

the Gilbert group Banaba, formerly called Ocean Island, will be a separate constituency electing its own Member of Parliament.

Constitutional changes have been made in preparation for a general election the Gilberts will hold on February 1.

The former House of Assembly

was dissolved on December 21.

Every inhabited island will be a single constituency for the first time, the statement says.

The new assembly will have 35 members elected by 23 constituencies.

Constitutional provision has

been made for the appointment of a Rabi Council member.

After the election MPs will meet in Tarawa to decide whether a chief minister should be elected by themselves or by a national election.

A new government is expected to be in office by mid-March.

By BEACHCOMBERS



**FLOTSAM  
& JETSAM**

MISFORTUNES never come singly...

A chap we know had his home broken into and all his shirts, among other things, stolen. Which was all most annoying, he said, because it was going to take a lot of time, trouble and expense to replace even one or two in Fiji.

But then to add insult to injury, when he finally managed to find a couple of shirts not decorated by gaudy floral designs, little arrows, scrolls or curlicues, he returned to his car only to find he had been given a ticket for overstaying on a parking meter for about five minutes. Another \$2.

\*\*\*

FOR the first time, the kiss may soon become a feature of Indian films.

Although there has been no formal ban on the cinematic clinch, Indian censors rarely have allowed it in local productions.

But yesterday, Information Minister Lal Advani, said on-screen kisses would be permitted if the situation called for them — and provided they were not obscene or vulgar.

Kisses are allowed in foreign films shown in India.

\*\*\*

TRAVELLERS leaving Tonga on international flights must now pay a \$2.50 departure tax at the airport, the Tonga Chronicle reports.

*Fiji Times  
10/1/78*



Fiji Times  
13/1/78

# few Banaban group 'a minority'

# BOSS REPLIES ON RABI HOLDINGS

**Ministry rejects council move on zoning**

The Ministry of Commerce and Industry has rejected an application by Ba Town Council to re-zone as residential an industrial sub-division which has been lying idle for five years.

The subdivision at Tauvegavega on the outskirts of Ba town was set up in 1972 to attract small industries to the predominantly agricultural district.

The council feels that because the lots in the subdivision have remained vacant in its five years of existence, it should be re-zoned to residential to ease the growing demand for prime residential land in Ba.

The Ba Town Clerk, Mr Rajendra Prasad, said yesterday that the ministry had rejected a second application from the council for the rezoning.

He said the first application was also rejected last year, but added that the council would keep on pursuing the matter.

He said there were about 20 lots in the subdivision, all on gently undulating land offering a grand view of the town and surrounding areas, and many people were keen to build houses on it.

Wide tarsealed roads on the subdivision are almost as when first constructed but the land itself is at places overgrown with weeds and grass.

A senior official of the ministry declined to comment when contacted yesterday.

Banabans had now acquired a degree of commercial know how.

Rabi Holdings intended to publish a bi-monthly newsletter to keep the Banabans better informed of the company's activities.

It was building a \$1 million commercial centre in Rabi Island and work was due to start soon on an airstrip.

The Banaban Community Association has retained a Suva lawyer, Mr Peter Knight, to look into Rabi Holdings' annual reports — which it says have not been distributed to shareholders — dating back to 1970, and into the company's accounts for the same period.

The Registrar of Companies is proceeding against Rabi Holdings for failing to produce its 1975-76 accounts in time.

The association has called also for a complete investigation of Rabi Island Council's affairs, dating back to 1946.

The managing director of Rabi Holdings, Mr Tekoti Rotan, says the newly formed Banaban Community Association is "a small minority," motivated probably by political considerations.

"It is deplorable that this group should try to undermine Rabi Holdings at a time when it has major expansion plans under way to benefit the Banabans," Mr Rotan said.

Mr Rotan was replying to allegations by the association that the affairs of Rabi Holdings were not in order.

It was true that the 1975-76 accounts had been delayed, but he expected that they would be complete by next month, Mr Rotan said.

The company had strengthened its accounting division to help to avoid similar situations in the future.

He denied that annual reports had not been



distributed to shareholders.

It was the practice to meet soon after the end of each year regardless of whether the auditor's report was complete.

"I doubt whether the critics have attended any of these meetings, nor have they made any complaints to me personally," he said.

Lack of commercial knowledge and expertise had been one of Rabi Holdings' main problems, but many

## Ratepayers clear \$511,000

Suva City Council has collected more than \$500,000 in overdue rates since it began its campaign against defaulters in November.

The city's chief administrator, Mr Bill

Cruikshank, said that at the end of October ratepayers owed the city \$1,038,595 in overdue rates.

By the end of December, ratepayers had paid off

\$511,712 of the overdue rates.

The council expected to collect \$2,582,387.85 in rates this year. If all the arrears came in from previous years, the figure would exceed \$3,125,000.

## Sugar crush second best on record

Fiji Sugar Corporation mills had made 362,375 tonnes of sugar from 2,674,162 tonnes of cane by the time the harvesting and crushing of the 1977 cane crop finished on Tuesday.

This was the second highest production in Fiji's history the FSC said in issuing its production figures yesterday.

The industry's best year was 399,910 tonnes made in 1968.

Of the four FSC mills, Lautoka crushed 1,045,277 tonnes for 145,483 tonnes of sugar; Rarawai, the last of which, 824,913 tonnes of cane for 111,920 tonnes of sugar; Labasa 605,946 tonnes of cane for 78,685 tonnes of sugar; and Penang 198,026 tonnes of cane for 26,287 tonnes of sugar.

Rarawai mill's out a put bet the previous 105,948 tonnes record it set itself in 1968.

Labasa mill broke a 1970 record of 68,389 tonnes and Penang had it best year since 1971.

Lautoka mill broke a 1970 record and in using only 1.18 tonnes of cane to make a tonne of sugar dealt with the best cane processed by it since 1966.

The deputy manager of the Fiji Sugar Marketing Corporation, Mr John May, said this year's output had enabled Fiji to fill all its sugar supply contracts.

These were with the European Common Market, New Zealand, Malaysia and Singapore.

# Rabi leaders also call for inquiry

Fiji Times  
16/1/78

Rabi Council of Leaders will ask the Government to appoint a commission of inquiry to study council affairs and administration of Rabi Island.

The council secretary, Mr Thomas Teai said that the council was aware of defects in its operations and in the way the island was administered.

Councillors had approved a resolution calling for a commission of inquiry and a formal request would be made to the Government for the appointment of a commissioner.

"We hope a commission will make recommendations on how things can be improved," Mr Teai said.

"Rabi Council has nothing to hide."

He was answering allegations by the Banaban Community Association about unaudited accounts, lack of

## 'Nothing to hide'

records and missing documents.

He said it was irresponsible of the community association to make sweeping public claims without first officially approaching the council.

Mr Teai said accounts had not been audited between 1969 and 1973, but this did not indicate any deliberate wrongdoing.

"It is actually a reflection of the administrative problems we have faced," he said.

The accounts position had been improved in recent years and he hoped it would be possible to publish proper ac-

counts this year.

He explained that some documents were probably misplaced when Rabi Holdings — the Banabans' commercial organisation — took over certain council functions in 1970.

The association claimed also that the Banabans were not told about the distribution of revenue from Ocean Island phosphates.

Mr Teai said there was no \$15 million trust fund. Phosphate revenue was expended as it was received and was allocated to development on Rabi, share capital in Rabi Holdings, housing assistance, political activities, and bonus and annuity payments to landowners.

"It is untrue to suggest that the people do not know how the money is spent. The distribution of our income is decided by the people every year at a special meeting," Mr Teai said.

## PENSIONERS SEEK PAY ADJUSTMENTS

The Fiji Pensioners' Association says its members are concerned that they received no benefit from a recent 10 per cent pay rise to civil servants and 16½ per cent rise to Members of Parliament.

The vice-president of the association, Mr C S Pillay, said yesterday that ex-servicemen, retired civil servants and dependents of deceased civil servants had been led to believe that when civil servants got a pay rise there would be corresponding adjustments to their pensions.

Mr Pillay said the association had written to the Ministry of Finance following the recent rises to civil servants and MP's but the reply was most disappointing and vague.

He said it implied that pensioners were eligible only for the quarterly cost of living allowance adjustments based on

the movements of the consumer price index.

He said that the Ministry had conceded in its reply that the increase to the civil service was governed by the rise in the cost of living.

"This is exactly what the association submits as its ground for a request of a similar increase, irrespective of the normal increases resulting from the

quarterly consumer price index figure," Mr Pillay said.

Mr Pillay said the association was now preparing detailed submissions to be made to the Prime Minister.

The management committee would discuss the submissions later this month and an audience with the Prime Minister would be sought.

## Minister hits at council

The Minister for Commerce and Industry, Mr Mohammed Ramazan, says Ba Town Council has only itself to blame for the Government's rejection of moves to re-zone on individual area there.

Mr Ramazan was replying to criticisms by Ba Town Council following rejection of the council's application to re-zone as residential an industrial subdivision on the outskirts of the town.

The subdivision, at Tauvegavega, was established

"The subdivision was developed in the first place because there was a need for industrial areas in the district. A lot of money has been invested to develop the area," the minister said.

"The reason why industrialists have not moved into the subdivision is because Ba Town Council has permitted them to continue operations in the town area," he added.

"The Ba town planning scheme contains considerable

## Prisoner hurt himself — witness

A salesman who suffered a cut lip while in police custody received it when he tripped and fell against a table, a defence witness told Suva Court on Friday.

The witness, Esala Rakubuta, a newspaper delivery man, was giving evidence for Police Constable Isireli Kanume.

Kanume is charged with assaulting the salesman, Satya Prakash, 21, 4/o Saba Dec in the crime office of the Central Police Station and causing him actual bodily harm.

He has denied the charge. Prakash told the court earlier that Kanume became angry while questioning him as a suspect in two criminal cases and punched him once in the mouth.

Kanume said Prakash was drunk and staggering when he arrested him early on October 20 and he must have tripped and hurt himself.

Rakubuta said he was in the crime office at the time.

He said he saw Prakash stagger and bump the door as

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# Rabi may <sup>may</sup> change election system

Cabinet has agreed to put draft legislation to Parliament for a new method of electing the Rabi Island Council.

The Prime Minister, Ratu Sir Kamisese Mara, told a news conference the Rabi people wanted to change the present arrangements.

They wanted guaranteed representation for each village but for all the electors of Rabi to make the choice, having eight votes each.

This legislation would require a two-thirds vote in the House of Representatives.

Other points from Tuesday's Cabinet meeting:

● Japan will send an expert to Fiji within two to three months to see whether it is worth researching the ambrosia-beetle, to which about 25,000 acres of mahogany in Fiji are vulnerable.

● New Zealand will be invited to send an expert, Dr Ian Cave, to an informal workshop in April on alternative energy sources.

The workshop will deal with such sources as electric power from wood-fuelled steam turbines for outer islands, lump charcoal for domestic cooking, wood burners and wood-burning stoves.

Mr Cave has built a wood burner about the size of a ginger case which could be adapted for tropical villages.

● Cabinet has agreed on members of the financial review committee to study Fiji's taxation. The names will be released later but Ratu Sir Kamisese said they included people from a broad spectrum of Government, accountants, businessmen, trade unionists, agriculturists, co-operative people, farmers and consumers.

● Cabinet has approved an \$800,000 loan from the Fiji National Provident Fund to the Housing Authority.

● Cabinet has called for a full report on co-operative grants after being "a bit worried about the perhaps over generous way in which direct grants were made to societies."

● Fiji will apply to join an international group co-ordinating tidal wave information and warnings.

# National Election

## Round 2

MONDAY February 6, saw the last round of the General Election to the House of Assembly to fill 35 seats.

At the first round 13 seats were filled straight away by candidates who commanded over 50% of registered voters. The remaining 22 were filled after the second round of elections on a clear majority basis.

The former House of Assembly has 21 members and of these eleven were re-elected, the other ten were defeated except for Mr. Kiati Tibwere (Onotoa) and Mr. Ingitae Tobeba (Tamana) who did not stand for this election.

The former Chief Minister, Mr. Naboua Ratieta, along with five of his seven ministers were re-elected. Mr. Ibeata Tonganibeia (Makin), Minister of Education, Training and Culture and Mrs. Tekarei Russell (Tarawa Urban), Minister of Health and Community Affairs lost their seat.

The new members of this new and larger House are:

MAKIN - Mr. Binata Tetaeka (new).

BUTARITARI - Mr. Tonimatang Teraoi (new).

MARAKEI - Mr. Naboua Ratieta (re-elected) Chief Minister.  
Mr. Tabeata Tamaiti (new).

*Cont'd on Page 2*

# National Election

## Round 2

Cont'd from  
Page 1

ABAIANG - Mr Teatao Teannaki (re-elected) Minister of State. Mr Taniera Kautoa (new).

TARAWA RURAL - Mr Te-weia Uaruta (re-elected) Minister of Local Government and Rural Development. Mr Tenanoa Kanono (new).

TARAWA URBAN - Mr Abete Merang (re-elected).

Mr Karawaiti Taraia (new) Mr Toia Taruru (new).

BETIO - Mr Roniti Teiwaki (re-elected) Minister of Finance. Bwebwentaratai Benson (new). Teburea T. Bakaoti (new).

MAIANA - Mr Bwebwetake Areieta (re-elected) Minister of Communication, Works and Utilities.

KURIA - Mr Tetimra Taie (re-elected).

ARANUKA - Mr Ioane Beenna (new).

ABEMAMA - Mr David Brechtfeld (new). Mr Tekinaiti Kai-teie (new).

NONOUTI - Mr Iere-mia Tabai (re-elected) Leader of the Opposition. Mr Ete-kia Batiua (new).

TABITEUEA NORTH - Mr Baraniko Raaba (new). Mr Leo T. Ubaitoi (new).

TABITEUEA SOUTH - Mr Teitintau Tetiaua (new).

BERU - Mr Otiuea Tamentoa (re-elected) Minister of Commerce and Industry. Mr Tomati T. Iuta (new).

ONOTOA - Mr Babera Kirata (new).

NIKUNAU - Mr Tiwau Awira (new).

TAMANA - Mr Boanareke Boanareke (new)

ARORAE - Mr Teeta Ioran (re-elected).

BANABA - Tabuarorae Taniera (new).

CHRISTMAS - Mr Moia-ua Toariri (re-elected).

FANNING - Mr Willie Yee On (new).

WASHINGTON - Mr Te-taake Eria (new). Now the country is anxious to know who the next Chief Minister will be.

The question is how would he be elected. The present consti-

tution gives elected members the right to elect their own Chief from amongst themselves.

The Independent constitution calls for a national election of the Chief Executive from no less than three and no more than four candidates nominated from amongst the elected members themselves. Do we adhere to the present constitution or adopt the Independent one. If we took the latter the question then is what happened if there were less than two or more than four candidates for the Chief Executive. Atoll Pioneer has not got the answers to all these and other questions concerning the election of the next Chief Minister. We will let you know when we do, say, next week or the week after when members of the House have met on 20 February.

# LOCALISATION

THE MINISTRY of Local Government and Rural Development localisation plan is in full swing according to the Secretary to the Ministry Mr. Ata Teatouai.

Mr. Teatouai said that the top posts in the Agricultural Division have been localised with the appointment of Koroubara Tetabea as Chief Agricultural Officer effective from December 1st 1977 and with Rui Williams as Senior Agricultural Officer effective from January 1st, 1978.

He also said that the Lands and Survey Division is not lagging behind. Because Tokannata Meauke has been appointed acting Chief Lands Officer effective from first January 1978.

Mr. Teatouai said, that Tokannata Meauke is to prepare himself before the current holder of the post Mr J. A. Amott leaves about March or April at the end of his contract.

He added that the Ministry of Local Government and Rural Development staff training and development are still continuing, to make full localisation possible as approved in the localisation plan.

Mr Teatouai went on to say that these achievements have been made possible with the untiring assistance and cooperation of the current expatriate

staff employed in the Ministry.

"We should be thankful for their effort." Mr. Teatouai said.



**MR KOROUBARA Tetabea** aged 40, was educated at King George V School, Abemama and Tarawa.

He joined the Agriculture Division after leaving school and has made steady progress within the Division since then.

He was promoted to Agricultural Officer on return from Reading University, UK where he obtained a Diploma in Agriculture Extension work from the University of Reading and to Senior Agricultural Officer in 1976. Mr Tetabea came from the island of Tabiteuea.



**MR RUI WILLIAMS** aged 36 was born at Banaba.

He was educated at KGV School from 1956-1960.

When he left

● CHIEF AGRICULTURAL OFFICER

● CHIEF LANDS OFFICER

school he was awarded a scholarship to Kukum Agriculture College in the Solomon Islands. For eighteen months in the Solomons, he was seconded to the Gilbertese Settlement at Wagina.

He returned to Tarawa in 1965 to join the Agriculture Division.

From 1967 to 1970 he went on course at the Vudal

Agriculture School in PNG where he gained a Diploma in Tropical Agriculture.

And from 1975 - 1976 he attended Reading University UK, where he got a Diploma in Agriculture Extension work.

On his return he was appointed Agricultural Officer.

Mr Williams comes from the island of Onotoa.

**TOKANATA Meauke** was born on December 28, 1949.

He was educated at the Betio Primary School and in 1962 entered King George V School.

In 1967 he was awarded a scholarship for further education at the Wanganui Boys College in New Zealand.

In 1970 he joined the Division of Lands and Survey at Wellington for a further three years.

At the end of the course he returned



home to work with the Lands and Survey Division.

In 1975 he went to the United Kingdom for six months to gain more knowledge and techniques related to his profession.

# Agreement signed on phosphate mining at Ocean Is.

*Fiji Times 21/11/76*

LONDON. — Representatives of Britain, the Gilbert Islands and the Banabans signed an agreement here yesterday for phosphate mining of another 100 acres of the tiny British Ocean Island in the South Pacific, the Foreign Office announced.

British officials said that under the new agreement, which will reflect higher prices for phosphate, 50 per cent of the royalties will go to the Gilbert Islands group and the other 50 per cent to the Banabans.

But they declined to give details of the additional amount of phosphate to be extracted or its value.

## 16 ISLANDS

Britain last week announced it planned to give internal self-government to its Gilbert Islands colony on November 1 of this year.

The Gilbert group consists of 16 islands with a population of about 54,000. The colony has been under British control for about 100 years.

The Banabans, who total about 2000, used to live on Ocean Island. They now live on Rabi Island in Fiji and want their former homeland to be separated from the Gilbert group so that it can become a separate state associated with Fiji.

— AAP-Reuter.

# Thousands expected for march

About 7000 people are expected to participate in a protest march in support of the Banaban cause and hand in a petition to the Commissioner Western, Mr Narsi Raniga, at Lautoka today.

The organiser of the protest march, Cr Luke Vakayadra, of Ba told the Fiji Times that Mr Raniga would present the petition on their behalf to the Prime Minister, Ratu Sir Kamisese Mara, who has been acting as an intermediary in the Ocean Island row.

Cr Vakayadra said it was too early to disclose the details of the petition yesterday.

They had presented a petition to the British High Commissioner in Fiji, Mr Stanley Arthur.

Cr Vakayadra said they had formed a committee called the Western Committee for the Banabans with the Tui Vuda, Ratu Senator Josia Tavaqia as its chairman.

"We expect between 5000-7000 people from Rakiraki to Sigatoka to take part in the protest march," he said.

*Fiji Times Sept 21/8*

# Banaban talks are 'useful'

*Fiji Times 25/8/76*

Talks on the Banaban question, between the Prime Minister of Fiji, Ratu Sir Kamisese Mara, and the Minister of State in the British Foreign and Commonwealth Office, Lord Goronwy-Roberts, ended in Wellington yesterday.

But a spokesman for the British High Commission in Wellington said: "Further talks will be held at a later date at a place yet to be determined."

He said the talks were "useful" and the atmosphere had been "friendly."

A Fiji Government spokesman said a definitive statement on the talks could not be made at this stage.

The 3000 Banabans are seeking independence for the homeland, Ocean Island, and compensation for the phosphate rock removed from it.

*Fiji Times - September 25th*

# UK rejects Rabi claim

## CONTACTS WITH BANABANS 'NOT BROKEN OFF'

A claim that Britain had "broken off relations" with the Banabans was denied by the British High Commission in Suva yesterday.

Banaban representatives in Fiji and London were still in touch with the Foreign and Commonwealth Office so that the Rabi Council could be assured internal self-government for the Gilberts would not adversely affect Banaban interests, a High Commission spokesman said.

### DURESS

Yesterday the Banabans said Britain was refusing to discuss the future of Ocean Island with them until they got Fiji trades unions to promise they would not reimpose a ban on air travel to the Gilberts.

A Banaban statement said the British "ultimatum" was rejected because it

infringed the right of unions to "exercise their own judgment on political developments of concern to the Pacific."

The High Commission spokesman said the Rabi council had merely been asked to indicate that it would not ask trades unions to reimpose the ban and would not support a reimposition.

"Otherwise the minister could be regarded as negotiating under duress," the spokesman said.

According to the Banaban statement, when he arrived in London to see the Secretary of State at the Foreign and Commonwealth

Office, Lord Goronwy-Roberts, the Banaban delegate Rev Tebuke Rotan, was told the minister would not see him until the air ban condition was met.

### INTERRUPTED

Unions affiliated to the Fiji Council of Trade Unions recently interrupted air services to the Gilberts by getting airport members to refuse to handle planes bound for the territory.

Later the ban was lifted, but the unions said they might reimpose it as another sign of sympathy for the Banaban claim for the separation of Ocean Island from Gilbertese administration.

Fiji Times 12/2/79

# Gilberts move to stop Banabans

A party of Gilbertese officials left for Ocean Island at the weekend to guard against a Banaban move to sabotage phosphate mining equipment and disrupt mining operations.

Radio Tarawa reported a team of reinforcements was being sent to the island, but did not say whether they included police.

Meanwhile, a delegation of the Rabi Council of Leaders was waiting at the weekend for weather to improve so that they could set sail for Ocean Island in the ship Cenpac Rounder.

The delegation leader, the Rev Kaitangare Kaburoro, said last week that the leaders would assemble the 200 Banabans on Ocean Island and march on the British Phosphate Commission Office.

There they would hand an ultimatum to the commission manager to cease mining until the Banabans' demand for separation of Ocean Island from the Gilberts was met.

If no satisfactory reply was given the Banabans would destroy mining equip-

ment, block roads and obstruct mining operations, he said.

A Foreign Affairs spokesman in Suva said that the Fiji Government's position on the Ocean Island dispute was that the parties should settle it between themselves.

The Government had not been notified officially of the Banaban group's voyage to the island, he said.

"The Fiji Government has always taken the view that the future of Ocean Island is a matter to be settled between the Banabans and Gilbertese with the British Government," he said.

Alliance backbench Member of Parliament, Mr Fred Caine, who is accompanying the delegation, was with the delegation in a personal capacity, Mr Kotobalavu added.

A British High Commission spokesman in Suva said it had not been notified of the delegation's voyage. The first it knew of the move was a news report yesterday morning.

The High Commission was taking no action and had no comment on the matter.



*Fiji Times 14/2/79*

## Banaban leaders extend deadline for end to mining

MELBOURNE. — A spokesman for the British Phosphate Commissioners said yesterday that a Banaban delegation had extended by 10 hours a 24-hour ultimatum demanding suspension of mining in Banaba (Ocean Island).

The original ultimatum was to have expired at 6am. There was no further word of developments before this edition went to press.

The Banaban group arrived at the phosphate-rich island on Tuesday after travelling from the home in Fiji via Nauru.

The seven members of the Banaban Rabi Council of leaders, accompanied by Alliance Member of Parliament Fred Caine, said they would protest against the unfair exploitation of Banaba, and the refusal of Britain to grant separation from the Gilbert Islands, which will become an independent Commonwealth nation on July 12.

They said they would give the British Phosphate Commissioners 12 hours to halt phosphate mining in Banaba, or they would disrupt mining operations.

The spokesman for the commission in Melbourne said it was unfortunate that the Banabans had confused their aspirations for self-government with "a simple mining operation."

He said he hoped they could amicably solve their differences with the British government and the Gilbert Islands.

—AAP

*Fiji Times 14/2/79*

## The Fiji Times

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### EDITORIAL COMMENT

## Deplorable change of tactics

THE irresponsible actions of a group of Banabans who fire-bombed the phosphate mine on Banaba on Thursday night must be deplored and condemned by all responsible and law-abiding citizens of this country.

It was fortunate that no one was killed or seriously injured in the 30-minute blitz on mining equipment, machinery and installations at the mine. But by resorting to guerilla tactics, the Banaban people have damaged their cause.

More significantly, they appear to have forsaken peaceful and legitimate means of voicing and demonstrating their protests. They have instead chosen violence, sabotage and terror as a means of articulating their grievances and claims.

The Banabans have enjoyed considerable international support and sympathy in their battle to win back their island home. They are a wronged people, and provide a classic illustration of how colonial governments uprooted people from their homes and dispersed them around their empires for the sake of political or economic expediency.

Banabans' friends have cause for worry at the way events turned out on Banaba. Many people had thought that the Rabi Islanders who left Fiji last week for Banaba would organise some form of a Gandhian passive resistance movement. But they had apparently much more than that on their minds.

There is very real fear now that there might be aggravated violence in future demonstrations. This time it was home-made petrol bombs; the next time it could be real bombs.

Because many Banabans are Fiji citizens, they have a responsibility towards our Government and people. We are a peace-loving nation and are particularly sensitive about our relations with our Pacific neighbours.

The Banabans' change of tactics could embarrass us all.

*Fiji Times 14/2/79*

## Banabans' cause

Sir. — I heard a few weeks ago that the Rabi Council has written to all town councils in Fiji seeking support of the Banabans' claim for independence of Ocean Island, and that Ba Town Council accepted their request. Good on them.

But we people of Cakaudrove do not want to support their claim.

In November 1978 Rabi Enterprises dismissed without notice 48 Fijian seamen of the "Al Sokula" and "Tovata" without giving them one month's notice and handed the two vessels to Wong's Shipping without guaranteeing some their jobs.

Before giving up their business, they didn't let the people of Taveuni and Natewa Bay know that they were not carrying on with the shipping business. Since their Company started, we have been patronising the company by giving them freight on cargo and copra.

During the dispute with the seamen in December, copra started to rot in all grading stations operated by the Cakaudrove co-operative Association.

I urge the people of Cakaudrove and other parts of Fiji not to support the Banabans' grievances.

PETRO NAULUMATUA  
Natewa Bay  
Vanua Levu.

*Fiji Times 14/2/79*

## Banaban protest group arrives

BANABA. — A group of islanders arrived here yesterday threatening to disrupt phosphate mining operations to back their claims of unfair exploitation.

The delegation, from islanders who have been settled in Fiji for many years, are also demanding separation of Banaba, their ancestral homeland, from the Gilbert Islands, which are soon to become independent from Britain.

A spokesman for the British Phosphate Commission (BPC) in Melbourne, which runs the mines on Banaba (or Ocean Island), said that the 15-strong group had arrived.

He declined to comment on their threatened move, saying "that would be anticipating the situation."

The Banabans sailed from Nauru. They said they planned to block roads and destroy mining equipment on Banaba.

—AAP

FIN TIMES 20/7/76

110/76

# Banabans put independence demand to UK

The Banabans now want independence for Ocean Island before the end of October, or the island's exclusion from an order-in-council which will make the Gilbert Islands internally self-governing from November 1.

These demands were made known yesterday by the secretary of the Rabi Council of Leaders, Mr Thomas Teai.

He said that since demonstrations in Fiji of support of the Banaban case, the British Government had repeatedly stated their interests would be fully taken into account.

A statement from the British High Commission in Suva had claimed that a constitution giving the Gilberts self-government would safeguard British undertakings to the Banabans or the future of their island.

Mr Teai said this British statement had added that the safeguards in questions would be in accordance with an offer by the Chief Minister of the Gilberts last year.

This offer had been rejected by the Banabans, since it was prefaced by the totally unacceptable conditions that they should abandon their claims for Ocean Island's independence.

All it offered was total Gilbertese domination of the island.

### KEEP QUIET

Mr Teai accused Britain and the Gilberts of trying to fob off the Banabans with "assurances" hoping to keep them quiet until the introduction of internal self-government had vested the Gilberts with full control over the island.

The Gilberts would remain under full British control until November 1, so that until then the political future of the

Gilberts and Ocean Island was an internal matter for Britain.

After November 1 this position would change radically.

### EXCLUDED

"We, therefore, insist that before the end of October this year the Banaban people's petition to the British Government for their independence on Ocean Island should be granted unequivocally," Mr Teai said.

"Alternatively the so-called 'district' of Ocean Island as a juridical part of the Gilberts Colony must be specifically excluded from the Order in Council providing for the internal self-government of the Gilberts — pending a final answer from London to our independence petition."

## Judge set for record

A HIGH Court judge will become a record-breaker next week by delivering the longest-ever judgment in the history of English civil law.

From Monday, the Vice-Chancellor Mr Justice Megarry, is expected to take four-and-a-half days to give his quarter-of-a-million-word decision in an action that took 221 workings days to hear — also a record — and cost more than £750,000.

The case concerns Ocean Island, a tiny island in the South Seas, which, at the turn of the century, was found to be one huge deposit of phosphate.



MR JUSTICE MEGARRY quarter of a million words.

The island, then the home of the Banaban people, became ravaged by mining.

## Banabans give to library

The Banaban community has given \$500 to the Fiji High Commission in London to set up a library there for South Pacific publications.

The Banaban representative in London, the Rev Tebuke Rotan, gave the money to the Prime Minister, Ratu Sir Kamisese Mara, on Saturday during his stopover in London on his way to Brussels.

Ratu Sir Kamisese and Adi Lady Lala left for Brussels on Sunday for four days of ACP European Economic Community talks.

Canb. Times 19.7.76

## Diplomats' parking offences

55,152

parking offences

LONDON, Sunday (AAP). — Labour MP Mr Greville Janner has asked the Foreign Secretary, Mr Crosland, to protest to the six embassies whose diplomats between them had 55,152 parking offences in the past five years.

Top in each year was the staff of the Nigerian High Commission, who claimed diplomatic immunity for 15,052 parking offences representing the equivalent of \$A59,247 in unpaid fines.

Next on the list was the Cuban Embassy with 10,627 offences (\$A41,348); Saudi Arabia, 9,003 offences (\$A32,369); Iran, 8,810 offences (\$A33,719); Egypt 8,449 offences (\$A32,921); and sixth was Cyprus with 3,211 offences (\$A32,754).

Mr Janner said, "The batting list of diplomatic dishonour is headed by the same discourteous guests to this country year after disgraceful year".

## BANABANS

# Objections to Gilbert Is. self rule

SUVA, Sunday (AAP). — Banaban leaders in Fiji have objected to an agreement on self-government for the Gilbert Islands made with Britain in London last week.

The Banabans vowed to continue fighting for the independence of their homeland, Ocean Island, which is part of the Gilberts.

The Banabans moved to Rabi Island in Fiji when much of Ocean Island became uninhabitable because of phosphate mining.

A spokesman for the Banabans, Mr Thomas Teai, said the haste with which the London agreement was pushed through suggested that the parties wanted to get the talks over before there could be any public reaction to the petition the Banabans presented on Wednesday to the British High Commissioner to Fiji in Suva.

The petition, delivered at the end of a protest march of more than 100 Banabans and 1,500 supporters, protested against the exclusion of the Banabans from the talks in London and repeated the demand for Ocean Island's separation from the Gilbert Islands so it can become an independent State in association with Fiji.

Mr Teai said it appeared the petition had been disregarded.

LONDON, Sunday (AAP-Reuters). — Representatives of Britain, the Gilbert Islands and the Banabans signed an agreement on Friday for phosphate mining of a further 40.5 hectares of Ocean Island, the Foreign Office announced.

Under the agreement, which will reflect higher prices for phosphate, 50 per cent of the royalties will go to the Gilbert Islands group and the other 50 per cent to the Banabans.

Canberra Times 18.7.76

## WORLD NEWS

### GILBERT ISLANDS

# Britain agrees to give self-government

LONDON, Thursday (AAP-Reuters). — Britain agreed yesterday to grant internal self-government to its tiny South Pacific colony of the Gilbert Islands next November as a prelude to complete independence, conference sources said.

The decision was taken at constitutional negotiations in London between the Government and a delegation from the 16 islands with an estimated population of 54,000, led by the Chief Minister, Mr Ratieta.

It was also decided that subject to parliamentary approval the colony, which has been under British control for about 100 years, could become an independent State in 1978.

Under the present Constitution the colony, which includes phosphate-rich Ocean Island, has local ministers but the Governor, Mr John Smith, has responsibility for external affairs, defence, internal security and the Public Ser-

vice, and also presides over the Council of Ministers.

The original inhabitants of Ocean Island, the Banabans, are demanding the separation of their former homeland from the Gilberts so that it can become a separate State associated with Fiji.

They complain that when Britain annexed Ocean Island more than 70 years ago it was joined to the Gilberts against their wishes.

pute

he news item you saw on January 25 under the heading 'University asks university to be in dispute'. The article contained an allegation by Dr. Hunter that the dispute between Birmingham University and the ASTMS is now to be a personal vendetta instigated by Mr Bird, the ASTMS organizer. Doubtless the dispute is being the university, and if the situation is as Dr Hunter alleges it surely he must now explain to everyone affected why, on two separate occasions, during the course of the dispute, he has refused to meet Mr Clive Jenkins, General Secretary of the ASTMS, to attempt to resolve the issue.

Partial observers may draw the conclusion that for some reason there are forces in Birmingham University that prefer confrontation to settlement and the quite unfounded allegation levelled at me is no more than an attempt to divert attention from the real situation. Yours faithfully, R. A. BIRD, National Officer, Association of Scientific Technical and Managerial Staffs, 10-26A Jamestown Road, NW1, January 25.

### Plight of the Banabans

From Sir Michael Gass  
Sir, Sir Bernard Braine's letter (January 21) leaves the impression that the Banabans have been totally impoverished by the mining of phosphate on Ocean Island. Yet, as the landowners, whose rights have always been recognized and are protected by the laws of the Gilbert Islands (and, indeed, were recently reinforced by explicit provisions in the latest Constitutional Order-in-Council), the Banabans have received an income from phosphate royalties at a per capita level well above the aspirations of most Pacific islanders. It has been large enough to deflect them from the productive use to which the average islander would have been forced to put their present home of Rabi, a larger and richer island than Ocean could ever have been for a Pacific life style. The response to the present claims of the Banabans should

surely be directed towards their social and economic integration as a community on Rabi Island with its high development potential and not at an emotional and illogical redrawing of nineteenth-century colonial boundaries. I am, etc, MICHAEL GASS, Formerly High Commissioner for the Western Pacific, Broadway, Butleigh Wootton, Glastonbury, Somerset, January 25.

### Closure of Porton

From Mr Michael Hamilton, MP for Salisbury (Conservative)  
Sir, This week you report the admission to an isolation hospital of another Porton scientist, and the voluntary quarantine of six of his contacts. It is a further reminder of the risks faced by virologists who seek to protect the public from rare diseases.

There is the military aspect of their work too—defence against the threat of germ warfare. This is a densely populated island, and already Soviet long-range surveillance aircraft visit our skies every week. It is a simple matter for a single bomber, carrying a few tons of a microbiological agent and making use of prevailing winds to bring life in this country to a halt.

The Attlee Government appreciated this, and set up this unique research establishment in the open country of Salisbury Plain in one of the largest brick buildings of modern times. Now the Government plans to close it. Where on earth are our priorities? Yours faithfully, MICHAEL HAMILTON, House of Commons, January 24.

### Monetarism and jobs

From Mr Nigel Lawson, MP for Blaby (Conservative)  
Sir, In his very long and characteristically good natured letter (January 22), Mr Reginald Maudling attacks the so-called monetarist prescription on explicitly moral grounds, claiming that the refusal to expand aggregate monetary demand faster

## MINING ULTIMATUM

# Banaban threat of 'showdown'

SUVA, Friday (AAP). — A Banaban action group is waiting in Nauru today to sail for Ocean Island for a showdown with British authorities.

Britain has refused its request for separation from the Gilbert Islands and a halt to the mining of phosphate on the island.

The leader of the group, the Reverend Kaitangare Kaburoro, said yesterday that an ultimatum would be handed to the manager of the British Phosphate Commission on Ocean Island to stop all mining.

If there was no satisfactory reply within 12 hours the delegation and the 200 Banabans now on the island would destroy all phosphate-mining equipment and machinery now on the South Pacific island.

They would block roads and obstruct operations in the mining areas, he said. The delegation members were prepared to face arrest and prison.

His warning came in a report to Fiji last night.

In Bairiki, government centre of the Gilbert Islands of which Ocean Island is officially a part, a spokesman for the Administration said that nothing was known of the Banabans' protest trip.

The spokesman, told that the group was about to leave Nauru, said the island Government would check immediately with the Nauru authorities.

In mid-1978, police reinforcements were sent to Ocean Island to help quell a strike by the phosphate miners, during which a car belonging to a mine official was set on fire.

The delegation headed for Ocean Island is said to comprise members of the Rambi (Banaban) Council of Leaders from their Fiji island of Rambi.

They flew this week from Suva to

Nauru and are awaiting the easing of rough seas to sail in the ship Cenpac Rounder for Ocean Island.

A Fiji Member of Parliament, Mr Fred Caine, a backbencher of the ruling Alliance Party, is with them.

Mr Kaburoro said of the group's moves, "This is our last resort in trying to recover our stolen homeland."

"We will block the roads so that no machinery can move... we will go to places where they are mining and sit there and obstruct operations."

"We have considered the consequences and we are all prepared to meet them. We are prepared to go to prison if it comes to that."

Mr Caine confirmed the determination of the members of the delegation saying, "This must be recognised by the British Government and all the governments of the world. The Banabans have been cheated for many years by Britain."

"I am not afraid of being arrested or shot at. We have to do what Gandhi did in India."

This is the last stand of the Banabans and I will go to the end with them to help them get their freedom."

The aim of the group is for a unilateral declaration of independence of Ocean Island after the formation of a Banaban Government.

The Banabans are seeking independence for the island so that it can go its own way in association with Fiji.

Britain is refusing to separate the island from the Gilbert Islands group.

A Bill on the island's future was to be debated in the House of Commons on February 23, according to Mr Kaburoro.

He said that when the delegation reached Ocean Island it would assemble the Banabans there for a protest march on the phosphate-commission office.

that parliament patch too prominent. It will find it hard to av... now. At meetings of the Republic's committee on Irish relations Fian.

## LETTERS TO T.

### A debt we owe the Banabans

Sir—I have never written to a newspaper before but now feel impelled to do so after reading James Cameron's moving article on the plight of the Banabans (January 17). Sir Bernard Braine's powerful condemnation of Britain's treatment of them over the years, and now Christopher Sweeney's article (January 21). I remember being told that at the end of the war, Plymouth where my father lived as a child, appealed to the world at large for funds to help reconstruct their war-ravaged city. Amongst the donations was the sum of £500 collected by the Banaban people who, at that moment, were living in exile in Mabi in Fiji, where they had been taken weary, sick and much reduced in numbers as a result of maltreatment in Japanese forced labour camps.

It is impossible for any reasonable decent person not to feel shame at the treatment meted out to these gentle people by generations of British colonial civil servants—particularly in view of their generous and spontaneous support for us in our time of need. Surely the time has come for this country to make full amends for this disgraceful episode in our colonial history. Olivia Donnelly, London WC2.

### What he

Sir—The Foundation, I into the Pa last two yet with whale volunteers and harpoon exception made by Whaling ( Through the con either n... ball

### Paper rate

Sir—An article 21) dealing with...

### A.F.R. 21.3.74 Ocean Island phosphate

SIR — To correct a misconception in Brian Toohy's remarks on Ocean Island phosphate ("Financial Review," March 18) the Banabans (not Barnabans) were not removed from their island after the discovery of phosphate there in the early part of the century but by the Japanese during World War II.

As they were unable to return to Ocean Island at the end of the war owing to the destruction of their villages they were taken, as a temporary measure and with their own consent, to Rabi Island in the Fiji Group, which had been purchased for them with part of their accrued royalties as an investment.

After three years on Rabi they elected to remain there and are consequently not claiming compensation in the English High Court for their removal but for alleged non-fulfilment of prior contractual obligations.

HONOR MAUDE, Forrest, ACT.

# Fiji Times

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Suva is just west of the international  
Date Line where the new day begins.



FORECAST: Mainly fine.  
Details Page 21.

SATURDAY, FEBRUARY 17, 1979

36 PAGES

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# BANABANS BOMB MINE — 8 HELD

Eight Banabans, including three councillors, were arrested and locked up here on Thursday night after a series of petrol bomb attacks on phosphate mining installations.

More than 30 men on foot and in Landrovers, moving under cover of darkness, struck at target areas within half-an-hour of each other.

Phosphate mining was partly halted yesterday as the British Phosphate Commission assessed damage done by the bombings.

A police curfew was imposed from 10pm.

The delegation of Banabans arrived on Tuesday, a Gilbert Islands Government spokesman said.

It includes seven members of the Rabi

From  
**NEMANI DELAIBATI**  
in Banaba

Council of Leaders, three other Banabans and MP and trade unionist Fred Caine.

All were allowed to land, despite the fact that the district is closed to anyone except Banabans, the Gilberts spokesman said.

It was understood that two letters were handed to the British phosphate company.

One asked the company to stop mining operations "within 24 hours." The other expressed the intention of the Fiji Council of Trade Unions to "demonstrate its solidarity with the Banabans."

A British Foreign Office spokesman said in London he was aware of the protest but because of bad weather in the area and bad communications he did not know if mining had been stopped.

Earlier this month, the London-based "Justice For The Banabans" campaign said in a statement that the delegation would protest against "the unfair exploitation of their island homeland, Ocean Island (Banaba), and the refusal of Britain to grant separation from the Gilbert Islands colony."

The campaign added that if mining was not stopped within their time deadline, the delegation would assemble the 200 Banabans still living on Ocean Island and obstruct mining by damaging equipment and machinery.

Danger used

# BANABA CALLS UP MORE MEN

*Fiji Times*

By NEMANI DELAIBATI who has just returned from Banaba

A Nauruan ship is on its way to Fiji to pick up a further 100 Banabans from Rabi Island to strengthen the Banaban presence in Ocean Island (Banaba).

The 100 men are expected to leave for Banaba this week on Cenpac Rounder to continue Banaban efforts to halt phosphate mining in the island.

Eight Banabans, including three Rabi Island councillors, have been arrested and locked up in Banaba after a series of petrol bomb attacks on phosphate mining equipment and installations.

The sabotage followed the British Phosphate Commissioners' rejection of an ultimatum by the Banaban people to stop all mining operations by 6pm on Thursday.

Those detained are the Rabi Island Council's deputy chairman, the Rev. Kaitangare Kaburoro, assistant secretary Teem Takoto, councillor Tekai Teabuariki, Takaro Tauakitari, Betero Tionikai, Rokouea, Tebibe Tebetang and Teiaua.

Details of charges are not yet available.

More than 30 men struck at six target areas on Thursday night.

Explosions lit the sky and in half an hour three huge excavators, a hydraulic control box and two crushers were in flames.

Police and BPC Gilberts workers battled for half an hour to extinguish the fires.

Australian Donald Begbie who is in charge of maintaining the machines and has spent 18 years in the island, said the incident was a "bloody terrible" experience. "I was shaking like a leaf," he said.

He thought those respon-



ABOVE: Maintenance chief Donald Begbie (right) looks in disgust at the hulk of a burnt out excavator after the petrol bomb attacks in Banaba on Thursday night.

BELOW: The deputy chairman of Rabi Island Council of Leaders, the Rev. Kaitangare Kaburoro (left) and parliamentarian Fred Caine lead the protest march on Wednesday.



sible "must have been mad." The replacement cost of one excavator was \$50,000.

The BPC's manager on the island, Mr Ron Elliott, burned his right hand while trying to fight a fire in the hydraulic control box. He told reporters he expected something to happen after

the Banaban petition to stop mining was rejected, "but I did not expect it to be so serious."

He did not think there was extensive damage, but could not put a figure to it.

Two Banabans were hurt in the raid. One tumbled into a ravine and broke his right leg. The other

received only minor injuries.

Police ambushed a Banaban vehicle and fired tear gas at it. The five occupants were arrested after they abandoned the car.

Police were planning to impose a curfew from Friday night at 10pm as a precaution against future similar incidents.

## China invades Vietnam

TOKYO. — forces backed fighter planes have launched scale invasion nam.

The Japanese Kyodo, quoting from Hanoi, says ces had penetrated kilometres into territory.

Vietnam's Am France, Mr Vo told French tele the Chinese attac 1000 kilometres. Cai on the Gulf to Lai Chau pe the Laotian borde

The Soviet Un ced China's attac aggression" and it endangered wa

The Communist Pravda said V capable of standi self and "furi friends are not fo

Radio Hanoi name forces the Chinese an number of borde

Chinese troops had been reduce remains and were tered on streets and hills on Vie thern border, it sa

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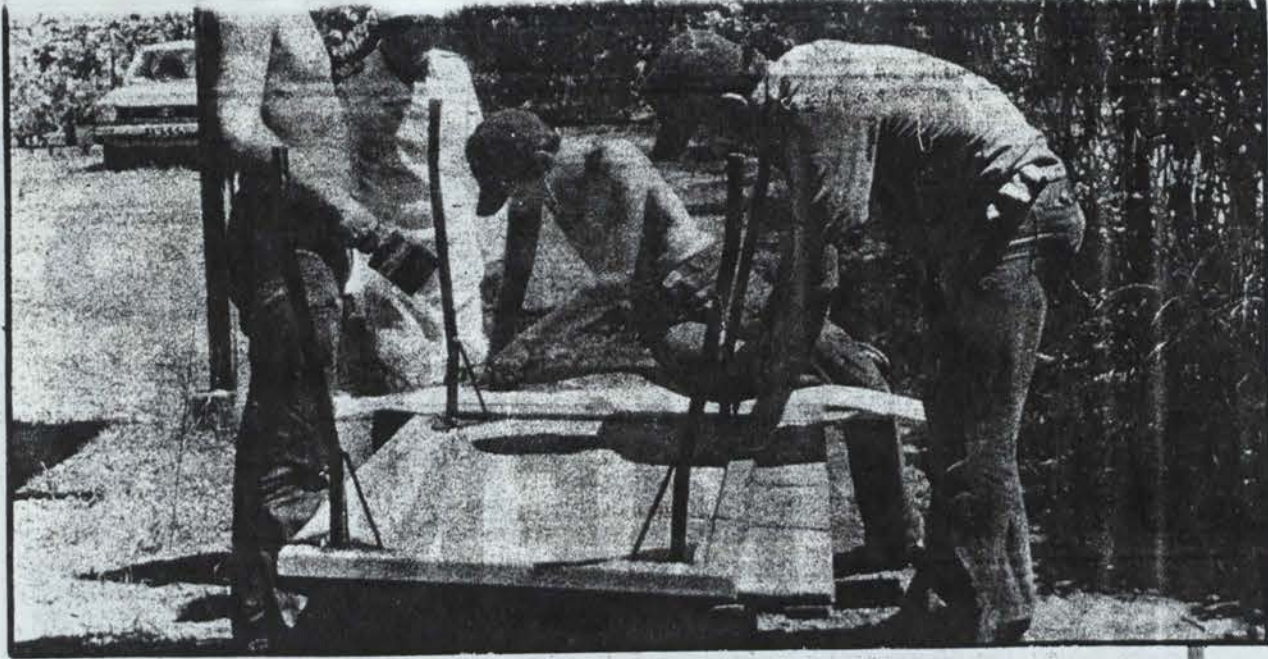
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THERE was no first prize winner in Fiji Fives Game 40...so the minimum guaranteed first prize in Game 41 is now \$10,000. We hope to publish the names of second and third prize winners within the next few days. Meanwhile, your Game 41 coupons are on Page 11 today.



MEN from the United States naval task force, from left, Jim Rosenkrans, Jim Reed and John Ekman, repair furniture at St Giles Hospital, Suva, watched by matron, Sister Qamrul Nisha Mohammed. The man, from USS Cochran, Robert E. Peary and Roark, which were in port last week, spent several days at the hospital helping with repairs and entertaining patients.

## Development meetings

District rural development committees in the Western Division have begun meeting to review rural projects and discuss funding of community programmes for this year.

The first meetings were held at Ba and Tavua on Thursday, the second at Rakiraki on Friday, and the next will be at Nadroga/Navosa tomorrow, Lautoka on Wednesday and Yasawa on Friday.

The meetings are to review rural community self-help programmes, minor works and major development programmes done by the government and other agencies.

The agenda includes also the capital works programme for this year and the distribution of a \$100,000 self-help fund as government contribution to projects approved by the committees.

VATICAN CITY. — People souvenir shop salesgirl Vittoria Iani Cinderella. She asked Pope John to marry her, and he said yes.

"I realised immediately I was not using words," Vittoria said. "But His Holiness smiled at me so nicely that I felt encouraged."

She explained she was getting married and the Pope could celebrate the wedding.

"He smiled and said yes. I thought he was joking and asked him: 'You mean it? And he said yes again.'

Vittoria popped the question on June 10. The Pope went to meet a group of street children at the creche they had set up for them in a garage.

Vittoria, the eldest of six children of Giuseppe Iani, recounted: "He moved on, then turned back and asked: 'But you? And I said: 'Twenty-two.' He looked at me and said: 'I must have looked too young.'

"This is the best wedding present I could give my mother, Anna," Vittoria told me when she was in mind minutes before the Pope entered the shop. She said Mamma Mia and thought she was joking that it was something impossible."

Now, the Vatican has officially announced that Pope John Paul will preside over the wedding of Vittoria and her fiance, Mario Maltese, 23, on June 12.

The decision came to the dismay of some prelates who say that for centuries the Pope has presided over a wedding of community members they have reserved their presence to the nobility or papal relatives.

About 160 relatives and friends of Vittoria and Mario past the Swiss Guard. The wedding will take place in the Pauline Chapel.

## America drops Tuvalu claim

Tuvalu and the United States have signed a friendship treaty under which the Americans have dropped claims to four of Tuvalu's nine islands.

The US is discussing another treaty with the Gilbert Islands aimed at settling a dispute over the ownership of the Line and Phoenix groups, says a statement from the American Embassy in Suva.

Britain and the US disputed four of the Tuvalu group — Funafuti, Nukufetau, Naukulailai and Nurakita — since last century.

Britain administered them as part of the colony of the Gilbert and Ellice Islands until Tuvalu gained independence last year.

The friendship treaty calls for consultations on security and marine resource matters.

Waters near Tuvalu are an important fishing ground for the US and other foreign fishermen, the embassy said.

The treaty becomes effective when it has been ratified by the US Senate and instruments of ratification have been exchanged.

The four Tuvalu islands are among 26 South Pacific Islands over which the US, Britain and New Zealand have had conflicting claims.

Political changes in the region, such as independence for Tuvalu and for the Gilberts this year had prompted the need to settle the claims, the embassy said.

## Coins at bargain prices

Some of the \$250 gold, \$20 and \$10 silver coins to be issued in Fiji in the world's wildlife conservation coin series will be put on circulation here at face value.

The Central Monetary Authority, which is issuing the coins, said this meant a "significant saving on the price which will be charged to collectors."

People wishing to obtain the coins at face value should apply to their bankers before March 16.

Only one coin of each denomination would be issued to one person, the CMA said.

The coins feature a banded iguana (\$250), golden cowrie (\$20) and pink-billed parrot finch (\$10) on their reverse sides.

## BRITISH ARMY MEN ARRIVE

Fiji is about to give 135 British soldiers their first experience of jungle warfare.

A company of the Royal Green Jackets Regiment arrived from Hong Kong on Saturday in an RAF VC10 transport plane for exercises in Viti Levu lasting six weeks.

An advance party of 17 men arrived earlier last week.

"We are here to learn because most of us have not been in the jungle before," Captain Robert Martin, second-in-command of the company, said.

"We will do our training in four phases, with the help of the Royal Fiji Military Forces."

The British troops, a company of riflemen, will start their first exercises near Namosi by marching inland, building a camp, and then rafting down the Sigatoka River.

In another course they will live in trenches and finish off with a march of more than 80 miles from north to south across the island to Suva.

They will also do some work in some inland villages.

Captain Martin said Fiji has a few tropical training areas and the British Army.

The Green Jackets got their start in the American War of Independence when their red-coated uniforms were easily spotted by rebels and swapped for green.

The regiment has three battalions now in Fiji drawn in Hong Kong.

One battalion is serving in Ireland and another is in the Falkland Islands.

Captain Martin said the regiment has numerous connections with Fiji. Some of its officers had served in the secondment and Fiji office with it in Europe.

## One seeks endorsement

The Indian Alliance has so far received one applicant for endorsement as its official candidate in the by-election for the Labasa/Bua Indian communal seat in the House of Representatives.

Applications would be received until tomorrow.

The party's James Shanahan will go to Labasa to lead the selection committee, the secretary said.

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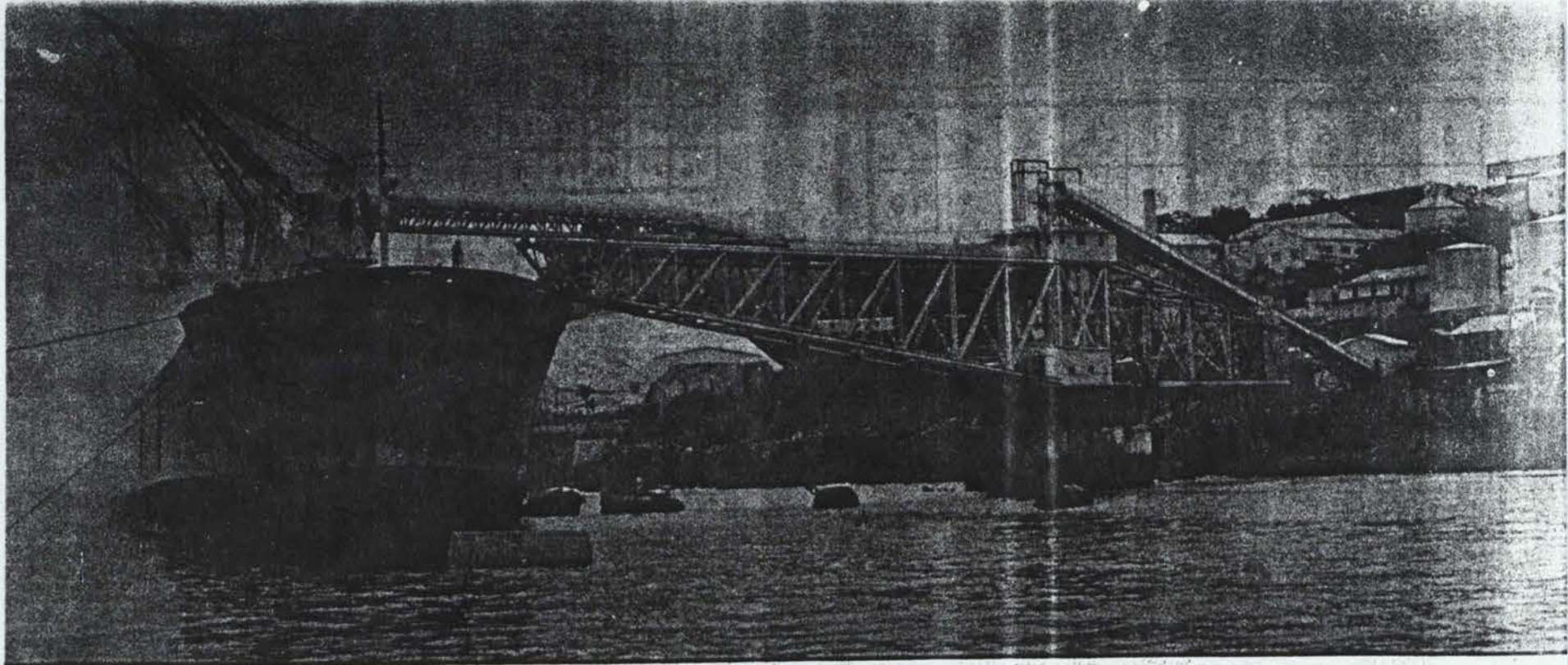
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THE Cape Hawke loads more than 20,000 tonnes of phosphate for Australia.

Under the British government grant Banaba, separation from the Gilbert Islands. There is no going back for them. While the heat generated by the petrol bomb attack complicated discussions, the Banabans continued to live normally, carrying on their daily activities in their scruffy settlement at one point of the island. Although they have no resentment towards the Gilbertese community there is apparent friction between them. Most Banabans tended to think that the Banabans had committed a stupid act in trying to destroy the mine. The Banabans stopped going to the workers' club to try to vent any open confrontation with the bigger Gilbertese population. But they still met in the local store and in the public square. The relationship between Banabans and Gilbertese is generally good because the Banabans had re-iterated their action did not

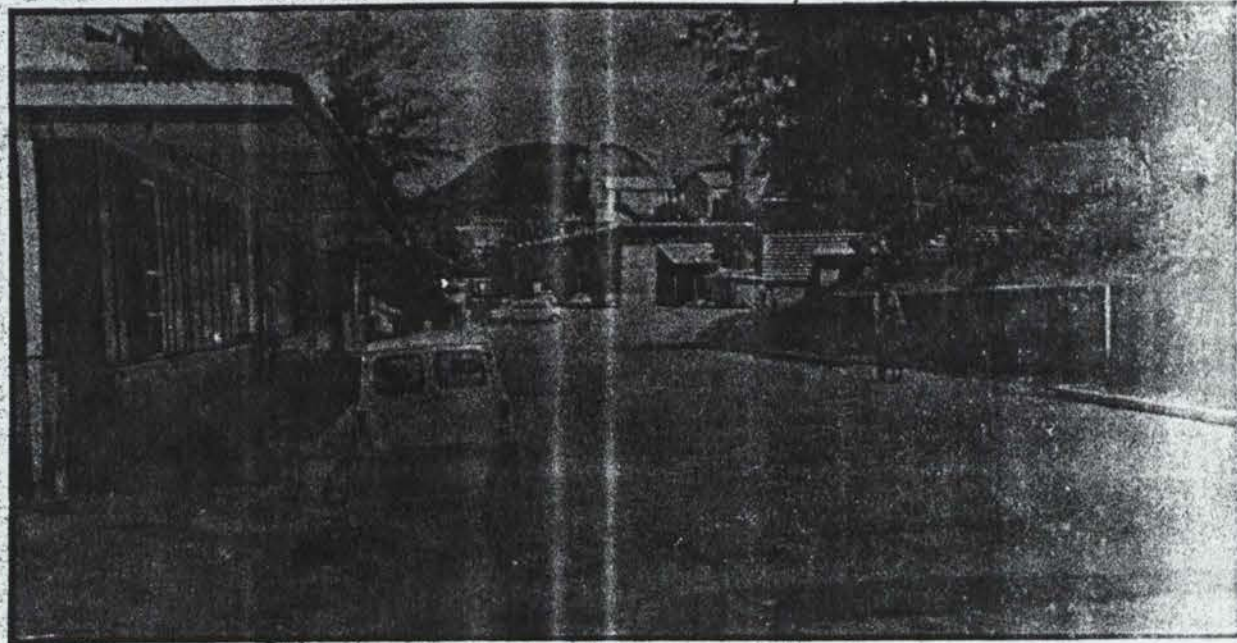
necessarily mean that they had a grudge against the Gilbertese. But the fear still hangs of future clashes.

This is why the Banabans were taking great precautions. In fact, the future of the people living on the island seemed uncertain. The Gilbertese and Tuvaluan workers are going to be repatriated back to their home islands.

Apart from mining, if it continues after the BPC pulls out, no viable commercial project could be envisaged other than fishing. Farming is out of the question as two thirds of the island have been turned into barren wasteland with pinnacles jutting out of the surface. "Vaivai" trees have grown wild among these pinnacles.


In the remaining one third of the island there is a contrasting green.

It gives the island its touch of natural beauty when it is viewed from the sea. It is all that is left.



THE main shopping area on Ocean Island and the main street. A car is parked outside the only market, the Trade Store.





# Bank of New South Wales

## and SUBSIDIARY COMPANIES

CONDENSED CONSOLIDATED BALANCE SHEET AS AT 30th SEPTEMBER 1978

LIABILITIES	\$A '000	ASSETS
Issued and Paid-up Capital	135,665	Coin, Bullion, Notes, and Cash at Bankers
Reserve Fund and General Reserves of Subsidiaries	174,495	Loans to Authorized Dealers in Short Term Money Market
Other Reserves	90,445	— Australia
Balance of Profit and Loss Accounts	104,701	— Overseas
Minority interest in Subsidiaries	138,689	Money at Short Call Overseas
Public Borrowings of Subsidiary Companies	1,778,631	Call and Term Deposits with Reserve Banks
Final Dividend Proposed	11,632	Australian Public Securities —
Balances Due to Other Banks	359,480	(a) Commonwealth of Australia —
Deposits, Bills Payable and all other Liabilities, including Provisions for Income Taxes and for Contingencies	9,351,994	(i) Treasury Notes
	12,145,632	(ii) Other Securities
		(b) Local and Semi-Governmental Authorities
		Public Securities — Other Countries
		Other Securities
		Term Loan and Farm Development Loan Fund Accounts with Reserve Bank of Australia
		Statutory Reserve Deposit Account with Reserve Bank of Australia
		Statutory Deposit Accounts — Other Countries
		Cheques and Bills of Other Banks and Balances with and due from Other Banks
		Bills Receivable and Remittances in Transit and Sundry Debtors
		Advances — Includes Loans, Leased Goods, and Local Bills of Exchange
		Shares — Listed Companies
		— Unlisted Companies
		Premises, Sites, Furniture and Equipment
		Accrued Interest and Sundry Balances
Contingent Liabilities on Outstanding Letters of Credit and Guarantees as per contra	659,414	Contingent Assets including Liabilities of Customers and Other Letters of Credit, Guarantees, etc. as per contra
	\$A 12,605,046	
Net Profit for year ended 30th September 1978	\$A 72,851	

# Bank of New South Wales

HEAD OFFICE: SYDNEY, AUSTRALIA



## LETTERS TO THE EDITOR

Nevertheless, it may surprise your readers to know that of the 260,000 Fijian population today, only about 5000 are unfortunately regular everyday drinkers. Of the Fijian females would place the number at about 500. I estimate that at least 150,000 of the Fijian population have never touched he stuff in their whole life.

I estimate that total abstinences in the Indian population is far higher.

By the same token, the over-ea tourist does not come to Fiji because of liquor. He can get drunk as a lord everyday in his own country for far less money.

Pray tell me then what justification (apart from Government revenue of dubious net worth) is there for not totally banning liquor from this country, where untold misery is caused to the law abiding majority by a section of the drinking minority? (I disregard the simple, but politically difficult, solution that races, not liquor, be banned.)

The best answer I can suggest to honest skeptics is, of course, to hold a public referendum on this question as is done in other democratic countries.

I can see one slight difficulty enough as to whether this can be implemented. — our politicians drink.

SEMISI RAYAWA  
Samabula North.

## Caine in Banaba

Sir, — I resent the racial undertones contained in a letter R.W.D. Ackraman in your column, on February 21. He strongly hits out at Mr J. Usher for questioning Mr Caine's visit to Ocean Island.

What Mr Caine chooses to do in his own time is his affair. It does not worry me whether he wants to "Caine the West," go off on a wild goose chase

after "noodles" on the ocean bed.

But I do take exception to what Mr Ackraman said; and I quote: "Mr Caine showed great humanity which is more inherent in those of us with island blood."

What Mr Ackraman implies is that only islanders, or those with island blood, as he likes to call them, are humans and show more compassion than others. What utter rubbish.

I think for Mr Ackraman to raise that argument against Mr Usher is below the belt and completely uncalled for. Mr Ackraman, as a lawyer and a long serving officer in the Ombudsman's office, should be ashamed of his petitions by bringing in racialism.

It's well known that Mr Ackraman is connected with a company that handles public relations for the Banabans; so perhaps that is why he chooses to hit out at all those who criticise anything to do with the Banabans' cause.

Furthermore, for Mr Ackraman to call on part-Europeans, as he calls them, to rally around Mr Caine as a long lost leader, is an insult to our intelligence.

As one who is of European and Fijian descent and a general elector, I don't need Mr Ackraman to tell me who to rally around.

ANDREW WILLIAMS  
Rewa Street  
Samabula.



## LETTERS TO THE EDITOR

one person who decides according to his own feelings or conscience which may be religious or otherwise.

Government would be wise to use great caution in considering any further restrictive measures affecting nightlife.

There are plenty of illegal operations going on in Fiji that should be investigated.

Instead of restrictions a relaxing of the present restrictions would be more appropriate.

JAMES CRAWFORD  
Suva.

## Banaban mission

Sir, — I am amazed at the tenor of Mr Usher's letter of February 19 and disgusted at the implied blackmail in his statement "I hope that the General Electors represented by Mr Caine will remind him that he was elected under a Constitution based on the rule of law".

As a General Elector, I personally will do no such thing. I am proud that Mr Caine showed the great humanity that is more particularly inherent in those of us with island blood, and without counting the cost went to the aid of an unfortunate people who have been kicked from pillar to post by a former imperial power and to whom the final insult is about to be offered in that, over their heads, their country is about to be given to another people.

A crisis situation calls for strong measures and the Banaban people are now taking them.

Where were you Mr Editor when the Prime Minister warned that if Fijian land rights were tampered with "blood would flow"? Were you 'ad-

vocating "Gandhian passive resistance" then? Or were you too frightened to speak out?

Fellow part-Europeans, a man for our times has at last emerged in the person of Mr Caine. His political future is in your hands. Rally around him and nurture the qualities of selflessness and leadership that he is undoubtedly showing. He is not afraid to talk out, and he is man enough to apologise when he is wrong.

He has guts and his speeches are a breath of fresh air in the stultifying atmosphere of cant and hypocrisy that too often pervades the House of Representatives.

R.W.D. ACRAMAN,  
Lami.

● We refer Mr Acraman to our editorial comments of March 22 and 31, 1978. They state our position on the subject on which he questions our integrity. — EDITOR.

*Fiji Times 22/2/79*



## LETTERS TO THE EDITOR

So come on you bureaucrats, the taxpayers of this country pay your salaries: you at least, in return, could provide us with a reasonable service.  
MARTIN C.D. TYLER,  
Suva.

## Banaban mission

Sir, — The Fiji Times editorial (February 19) says "Many people had thought that the Rabi Islanders who left Fiji for Banaba would organise some form of a Gandhian passive resistance movement".

I am afraid that such people could not have been reading the Fiji Times, which on February 12 quoted an earlier statement by the leader of the costly and carefully planned expedition on its aims and proposed tactics.

The Rev. Kaitangare Kaburoro was reported to have given notice that he and his companions intended to demand that mining operations stop on Ocean Island (Banaba).

If no satisfactory reply was given, "the Banabans would destroy mining equipment, block roads and obstruct mining operations", the report said.

The member of Fiji's parliament who has been receiving considerable personal publicity because of his association with the venture, Mr Fred Caine, has been quoted by another newspaper as saying that the "sabotage mission" was "well-planned".

He claimed also that the men arrested, following the wilful and criminal destruction of property belonging to the mining company, were "political prisoners".

Some very disturbing possibilities begin to emerge.

The South Pacific has hitherto been generally spared the effects of the odious apparatus of

international terrorism, but the door has now, unhappily, been opened.

There are plenty of people and organisations in the world who will be happy to urge the Banabans to go further, now that they have made the first use of violence and destruction as political weapon.

If the political gangsterism that occurred last week is in any way condoned by the Parliament and people of Fiji, and if the fundamental principles of the rule of law are not vigorously restated and uncompromisingly upheld, further steps down a slippery path will be fatally easy.

This gives special urgency to the Prime Minister's suggestion that no time be lost in trying to get the Gilbertese and Banaban people together for further talks, aimed at finding an alternative to, on the one hand, an imposed settlement not acceptable by both parties, and on the other the danger of expanded political violence.

Nothing should be left undone which gives any chance of averting the tragedy which otherwise is now so clearly in the making.

L.G. USHER  
Suva



High mass 21/2/70

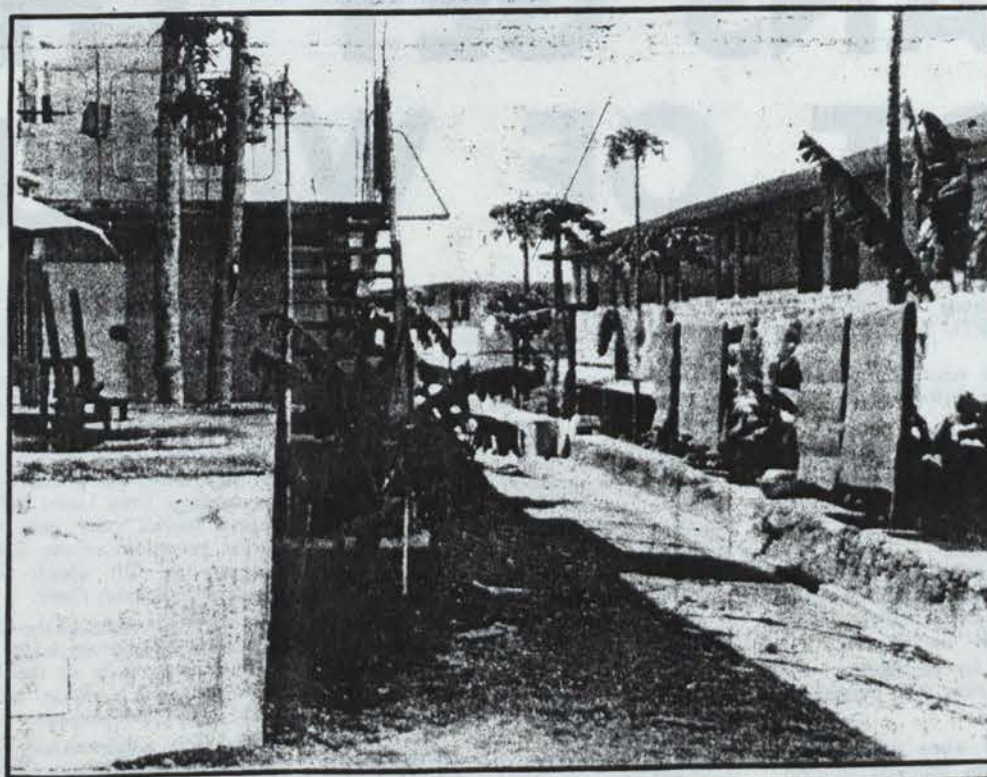


**ABOVE:** Banaban elder Mr Tebetang, 64, mends a fishing net while his Gilbertese wife Alwi, 53, weaves a basket in front of their shack. They left Rabi four years ago to settle on Banaba.



**LEFT:** Some of the 200 Banaban settlers living on Ocean Island.

**BELOW:** The living quarters of British Phosphate Commission workers. The housing area is called "location."



# Banabans want to continue mining

By  
**NEMANI DELAIBATI**

THE Banabans want to go into the mining business themselves when the British Phosphate Commissioners wind up operations on Ocean Island (Banaba) in November.

The BPC is having to pull out, leaving behind about one third of the island unmined because the Banabans have refused to issue any more leases to the company.

It is part of the Banabans' long political battle with the British Government to win separation of their ancestral island from the Gilberts.

The remaining unmined area contains one million tonnes of phosphate worth about \$37 million at present prices, according to a top BPC official.

The Banabans want to mine the area themselves and consequently assert their presence as the rightful owners of the island.

Their battle reached its peak last week when they decided that dialogue was ineffective. They went on a rampage and sabotaged machinery and installations, using petrol bombs.

The motive behind the bomb attacks was to tell the British Government "Look, we mean business."

While Gilbertese officials declined to comment, ordinary Gilbertese people are divided on the issue. Some think that Banaba is part of the Gilberts, because of similarities in language and culture. Those who have Banaban relations feel that the Banabans should be given their freedom to govern their own island as were the people of the Ellice Islands, now Tuvalu.

The Gilbert Islands are due to become independent in July.

Meanwhile, life on Banaba goes on. The petrol bomb attack on mining equipment caused a bit of stir among the predominantly Gilbertese

population, but the fear subsided after they learned that the attack was aimed only at destroying machines.

The 2800 Gilbertese and Tuvaluans who work for the BPC in the mine live in flats similar to the Raiwaqa Housing Authority two-story flats in Suva.

Most enjoy their life so much that they felt it was no good returning to their homeland because prospects there are not as good as on Banaba.

The basic wage is only \$73 a month, but the BPC provides free education, free medical service, free food rations, free bus transport, and free accommodation.

The staff quarters occupied mostly by European expatriates, are surrounded by lush gardens where flamboyant trees flank the winding cement paths to the houses.

The Banabans, most of whom have "returned" to their homeland in the past few years to establish a Banaban "presence," live in makeshift shelters between pinnacles at one point of the island.

They have planted cassava between the pinnacles, and also coconuts, which are growing well.

One of the village elders, Mr Tebetang, 64, said: "We are here to build up our Banaban community. This is our island."

Mr Tebetang moved from Rabi with his wife four years ago, "because I love Banaba."

He told me: "Life is sometimes difficult but knowing that you are on your own island helps you to keep struggling to survive."

The Banabans, like all the other people on the island, depend on the local super market, the Trade Store, for supplies ranging from food to cosmetics. They have the run of BPC facilities.

Films are shown at least three times a week, in both the workers' and staff clubs.

Recreational facilities ranging from billiards to lawn tennis are available.

Dances are held every Saturday.

On an island which is six miles in circumference it is not bad for the population of about 3000.

In the next seven months the population will drop dramatically as repatriation goes into full swing.

In the mess for bachelor staff the same high quality dishes are being prepared. But only four people are using the mess today and the expatriate chef has left.

Fewer people attend the clubs now and the main street is quiet after dark.

P10

murder and am confined in a solitary cell. With what to write to my family.

using the mess today and the expatriate chef has left.

Fewer people attend the clubs now and the main street is quiet after dark. Many of the workers' flats are empty.

Two weeks ago 90 people including Gilbertese and Tuvaluans, left the island. Fifteen Gilbertese are due to leave this week.

The European expatriate population has dwindled from more than 60 a year ago to 28.

As one Gilbertese remarked: "It will soon become a ghost settlement."

Fiji Times 19/2/79

## Violent campaign

Sir, — The action of a group of Fiji Citizens, accompanied by a member of Fiji's Parliament, in seeking to achieve a political aim through threatened violence is a matter for very serious concern.

I hope that the Government of Fiji will tell the Rabi Islanders who have talked of disrupting phosphate production on Ocean Island by smashing the mining plant that this manner of conducting a political campaign will not be tolerated.

And I hope that the General Electors represented by Mr Caine will remind him that he was elected under a Constitution based on the rule of law.

The expensive expedition to Ocean Island via Nauru was preceded by an apparently spontaneous but nevertheless curiously concerted approach to the British Government through the High Commission in Suva by mayors of several Fiji towns and by the Leader of the Opposition, in support of Banaban claims.

I wonder if these worthy gentlemen will now give their views on the threats of violence which were shortly afterwards employed by Rabi Islanders to reinforce the same claims.

L.G. USHER  
Suva.

## 'More talks needed on Banabans'

The Prime Minister, Ratu Sir Kámises Mara, has urged the British Government to hold further talks with and between the Gilbertese and the Banabans in order to find a peaceful and mutually acceptable solution to the constitutional future of Ocean Island.

In a communication to the British Government at the weekend, the Prime Minister said that whilst Fiji warmly welcomed the impending grant

of Independence to the Gilbert Islands, it was concerned that there was as yet no solution to the Ocean Island issue, which was acceptable to the parties directly concerned.

"Neither the resort to violence nor an imposed solution which is not acceptable to all the parties directly concerned, can contribute to a permanent settlement of the Ocean Island issue," he said.

Fiji Times 2/2/79

Fiji Times 21/2/79

# BANABANS GET THE SUPPORT OF WFTU

International trade union support was promised yesterday for the Banabans in their dispute with the British Government over their island homeland.

The first session of the Fiji Council of Trade Unions seminar at Lautoka, being attended by about 40 delegates from Fiji and overseas, was dominated by the Banabans' dispute.

A firm commitment of support was made by the secretary of the World Federation of Trade Unions, Mr Mahendra Sen, who said the WFTU would build international support for the Banabans.

Although the nature of support was not stated, a resolution from the session placed responsibility for the dispute "squarely" on the British Government and called on it to "immediately release" all Banabans locked up after bombing of phosphate mining installations on Ocean Island (Banaba) last week.

The resolution, passed unanimously,

branded the British as taking an "irresponsible attitude" on the matter and affirmed WFTU support for the Banabans.

A copy of the resolution was sent yesterday to the British High Commission in Suva.

Australian and New Zealand delegates, one of whom described the phosphate mining operations as a "gigantic confidence trick", said they would take up the matter with unions in their own countries.

Earlier, Fiji Member of Parliament Fred Caine, who has just returned from Ocean Island, said he planned to go back there later this month.

"If they don't let me land on the island then the riots will commence again," he warned.

Mr Caine said when he went to Ocean Island he was "shocked" to learn that a phosphate mine labourer earned only \$60 a month and the Banabans lived in shacks in their villages.

A "minority" lived in big houses with

"floodlit" tennis courts, swimming pools and other luxuries he said.

He said the Banabans had resorted to violence to get their rights because there was no alternative left for them after exhausting all legal channels.

Giving India, Northern Ireland and Rhodesia as examples, Mr Caine said the British administration acted only "WHEN SOMETHING HAPPENS."

Mr Caine accused the British administration of using 80 per cent of phosphate royalties that were due to the Banabans to administer the Gilbert and Ellis Islands.

A Banaban spokesman, Mr Henry Spring, told the seminar the Gilberts, due to become independent in July, already had \$80 million in a reserve fund that rightfully should have gone to the Banabans.

He said the continued exploitation of phosphate on Ocean Island had reduced the Banabans to a sorry state. He himself was born in a tent on Rabi Island.

Mr Caine said the \$80 million was

the sum accumulated over the years from phosphate royalties and stored in a fund for use by the Gilberts when they became independent.

Since the Banabans want Ocean Island to be separate from the Gilberts they will lose out on this.

Meanwhile, it was announced in London on Monday that British Foreign Office minister Evan Luard will visit the Gilbert Islands early next month to discuss provisions in the Gilberts' Independence Bill which cover the Banaban community there.

The announcement of the visit by Mr Luard, a Parliamentary under secretary of state, was made in the House of Lords following a report by Banaban police of the bomb attacks.

The new constitutional bill which gives independence from Britain to the Gilberts, also guarantees the 3500-member Banaban community a veto on changes affecting their island.

It also provides financial aid for the Gilberts.

# PETITIONS PRESENTED

The Leader of the Opposition, Mr Jai Ram Reddy has presented a petition to the British High Commissioner to Fiji Viscount Dunrossil, supporting the Banabans' struggle for self-determination.

Mr Reddy said Viscount Dunrossil had assured him that the petition would be sent directly to London for immediate attention.

Meanwhile, the deputy chairman of the Rabi Council of Leaders, the Rev. Kaitangaré Kaburoro, visited Mr Reddy yesterday afternoon to thank him and his party for their support of the Banaban people.

Mr Reddy assured Rev. Kaburoro and the Banaban people that his party would be behind them and give them support all the way.

The Mayors of Ba and Nausori Cr Kishor Govind and Cr Krishna Chaudhary, have also sent petitions to the British High Commissioner in support of the Banabans.

Cr Govind said he hoped the British Government would, even at this late stage, do the right thing by the Banabans and give them the separation they sought.

Cr Chaudhary said his council felt that injustice would be done to Banabans by forcing them and their Ocean Island to be annexed with the Gilbert Islands when the Banabans were seeking their legal rights over Ocean Island for separate status.

He said the course of the Banabans should be honoured and no blot should be left for the future rulers of Britain.

## New Govt in the Gilberts

TARAWA. — The Gilbert Islands have elected Mr Jeremiah Tabai, 28, as the new Chief Minister, and a much changed House of Assembly to see the territory through to full independence.

The former administration under Mr Naboua Ratieta sustained a heavy defeat at the polls.

*Fiji Times  
March 23*

## FCTU BACKS BANABANS



THE president of the Fiji Council of Trade Unions, Mr Apisai Tora, (right), and executive member, Mr Fred Caine leave the British High Commission in Suva yesterday after handing a petition to the High Commissioner, Viscount Dunrossil supporting the Banaban community's efforts to attain the right to self-determination.

The council has in the past demonstrated solidarity with the Banabans.

The petition stated that the council was aware that in Britain the stage had been set for the final "betrayal", and "it is not too late for the United Kingdom to salvage some of its self respect from this sorry saga."

# Ocean Island separation bill opposed

Marcel Berlins  
The government of the  
Gilbert Islands has again made  
its opposition to the  
ration of Ocean Island  
to the Gilberts.

The original inhabitants of  
Ocean Island, the Banabans,  
have been pressing for inde-  
pendence from the Gilberts and  
reunification with Fiji. They now  
live on Rabi, an island near  
Fiji, although they still regard  
Ocean Island as their home-

Naboua Ratieta, Chief  
of the Gilberts, a  
colon moving towards  
independence, said: "We  
want Ocean Island to be an  
integral part of the Gilbert  
Islands and we are not pre-  
paring either now or in the  
future to see it taken away  
from us as an independent island  
to be integrated with  
another colony."

He emphasized that there was  
no question of the Banabans  
losing their land rights to  
another island.

## Compensating the Banabans

From Mr Anthony Kershaw, MP  
for Stroud (Conservative)

Sir, There is not in the House of  
Commons a more doughty fighter  
for any underdog than my colleague  
from Essex South-East, Sir Bernard  
Braine. But in his fervid champion-  
ship of the Banabans (letter, August  
6) I think he has allowed his  
generous heart to overwhelm his  
judgment of what is fair and  
reasonable.

No one denies that for a time the  
Banabans were paid rather less than  
was fair in royalties for the phos-  
phate on their island. This injustice  
Her Majesty's Government seek to  
put right by an ex gratia payment.  
Nor does anyone deny that the  
Banabans, like everyone else in the  
area, suffered cruelly during the  
Japanese war.

But the Banabans' demands go far  
beyond compensation. They say  
they should be paid virtually all the  
royalties, not just a special propor-  
tion, basing their claim on the asser-  
tion that they were never part of  
the Gilbert and Ellice Islands Pro-  
tectorate or Colony, and that they  
are of different race to the Gilbert-  
ese. This is frankly nonsense, on  
both counts. The Banabans' Ocean  
Island was for a time the capital of  
the Territory; and even the Banabans  
admit that there are probably  
no pure blood Banabans still extant,  
so much intermarriage with the Gil-  
bertese there has been.

The Banabans' claim that they  
wish to return to Ocean Island is  
equally spurious. Ocean Island is  
almost entirely of phosphate; when  
the rock is removed a desert is  
created. Even if millions of tons of  
soil were transported there, as the  
Banabans demand, the island could  
only support about 100 people.  
There are 2,000 Banabans, living on  
Rabi Island, in the Fijis; a fertile  
and uncrowded island which they  
were given when Ocean Island be-  
came uninhabitable. None, or very  
few, even want to move back to  
Ocean Island, and the furore that  
they have worked themselves into  
is a phoney demand worked up by  
their leaders recently in order to  
screw some more money out of  
some one, whether it be Her  
Majesty's Government, the British  
Phosphate Commission, Australia,  
New Zealand, or the Gilberts.

As it is the Banabans, because of  
royalty payments, have a consider-  
ably higher standard of living than  
the Gilbertese, the Fijians or any  
other inhabitants of the area, and if  
they would get down to developing  
their island of Rabi, instead of wait-  
ing around for more dividends and  
cash, they would be better off still.

It is quite impractical to adminis-  
ter Ocean Island separately from the  
Gilberts, as Sir Bernard suggests.  
The island is only 24 hours' steam-  
ing from the Gilberts, whereas it is  
1,400 miles from Rabi. The Gilbert-  
ese are absolutely adamant that  
Ocean is part of their group and its  
exclusion would wreck the constitu-  
tional conference about Gilberts' in-  
dependence. Administratively, any  
aid, medical, police or whatever  
must come from the Gilberts. Finally  
the Government of Fiji, which is the  
sovereign power in relation to the  
Banabans on Rabi, would refuse to  
take over Ocean against the wishes  
of the Gilbertese.

The Banabans are entitled to our  
sympathy and support. They have  
had both. It is sad to be displaced.  
But any idea that the Banabans are  
living in some kind of refugee  
camp, longing to return to the home  
of their ancestors, is the reverse of  
the truth. Their trouble is emo-  
tional and psychological, not  
material. Their refusal to negotiate,  
even to talk to the Gilbertese,  
immures them behind an even  
higher wall of misunderstanding  
and ill-will. But if they  
have built their own obedient

I beg to remain,  
Your obedient  
servant,  
ANTHONY KERSHAW  
House of Com-  
August 6

## Justice for the Banabans

From Sir Bernard Braine, MP for  
Essex, South East (Conservative)

Sir, Your leading article "The Dis-  
appointments of the Banabans"  
(August 4) rightly emphasizes the  
moral injustices suffered by this  
people. In the event, recourse to  
law did not wipe away these wrongs.

Last December the Vice-Chancel-  
lor found that the British Phosphate  
Commissioners were liable to pay  
the Banabans damages for their  
failure to replant a certain acre-  
age of their devastated home-  
land of Ocean Island. In awarding  
damages last week, he presumably  
had his reasons in law for reject-  
ing the Banabans' demand for  
£50,000 per acre and for ordering  
£50 per acre instead.

As for the case which the Banabans  
brought against the Crown,  
the Court deemed itself powerless  
to award the Banabans a penny.

Whatever the legal sense of these  
judgments (and the Court of  
Appeal could have other views)  
they have no bearing whatsoever  
on the moral issue. The Vice-  
Chancellor explicitly recognized  
this when he directed the Attorney-  
General's attention to the wrongs  
done to the Banabans which his  
Court was unable to right.

The British Government's offer  
was not made, as suggested by the  
Judge, as compensation for past  
grave breaches of the Govern-  
ment's higher trust towards the  
Banabans. Indeed, Dr Owen sub-  
sequently denied any such liability  
on the part of the Crown. Instead,  
the payment is designed to provide  
the Banabans with a future annual  
pension of £225 per head to save  
them from becoming destitute as  
a result of past British misdeeds.

Before the Banabans were forced  
to proceed with their actions against  
the Government and the Phosphate  
Commissioners, Mr John Lee, MP  
and I, after an on the spot invest-  
igation, urged Mr Callaghan, then  
Foreign and Commonwealth Secre-  
tary, in a joint report submitted in  
April, 1975, that redress would  
have to be made to this wronged  
community irrespective of any  
pending High Court actions. Our  
advice was ignored.

Over two years later, and at an  
expense to the taxpayer for which  
Parliament will surely expect an  
account, all that has been achieved  
is a detailed narration of the com-  
temptible treatment this small  
people have received at British  
hands over a long period of time.  
Indeed, the inability of the High  
Court to remedy the injustice done  
to the Banabans seems likely to  
drive them to the Court of Appeal  
where we will once again have  
the painful experience of listening  
to this shameful story.

What can now be done? May  
I suggest that the Government  
should grasp the opportunity of  
bringing to an end this dismal  
colonial episode by agreeing to the  
terms upon which the Banabans  
accepted Dr Owen's "ex-gratia"  
offer. These terms were:

(i) that the capital sum of £6.5  
million be paid into a fund within  
the control of the Rabi Council of  
Leaders (the elected representa-  
tives of the Banaban people) with  
advice from the Government of  
Fiji;

(ii) that Ocean Island be separated  
forthwith from the Gilbert Islands,  
and administered by a Commis-  
sioner directly responsible to the  
Secretary of State until such time  
as a reasonable constitutional settle-  
ment is reached; and

(iii) that the right of the Gilberts  
Colony Government to tax Banaban  
phosphates be deemed to have  
ceased as from March 31, 1977, irre-  
spective of the date upon which  
separation is formally arranged, and  
the British Phosphate Commissioners  
be instructed by the partner govern-  
ments to adjust payment of the  
proceeds accordingly.

"Should these conditions be ful-  
filled", as the Banabans go on to  
say, "they will enable the Banaban  
people to reestablish a presence on  
their ancestral homeland and, with

Guardian  
11/8/77

# Banabans planting scheme runs aground

By Christopher Sweeney

The Banaban community  
from the Pacific was yesterday  
officially warned by the British  
High Commissioner in Fiji not  
to go ahead with their plans to  
re-invade their island homeland  
and replant it with coconut and  
other fruit trees.

In an official telegram, trans-  
mitted on behalf of the colonial  
administration in the Gilbert  
Islands, the commissioner said  
that the Banabans would not be  
permitted to replant the island  
because of a little known  
ordinance concerning im-  
portation of seedlings.

The decision means that the  
Banaban fishing trawler,  
stocked up with coconut and  
other plants from Fiji, will now  
not be allowed to land on Ocean  
Island. The boat, with a landing  
party of more than 100 mainly  
young Banabans, set off for  
Ocean Island over a week ago.

The ordinance seeks to pro-  
tect the Gilbert Island group,  
still a British colony though  
with limited self-government,  
from the possibility of new  
plant and fruit diseases.  
According to the wording of the  
regulation, it is aimed at pro-  
tecting the Gilberts' agriculture  
from Taro blight, rhinoceros  
beetle and other diseases.

The Banabans had planned to  
try to restore areas devastated  
by British Phosphate Commis-  
sion mining by introducing  
dwarf coconuts, which grow  
more rapidly than normal varie-  
ties and bear fruit very quickly.

But both the Fijian Govern-  
ment and the Banabans yester-  
day indicated that the real  
reason for the ban was to abort  
the Banabans' plans to re-  
establish a symbolic presence  
on their homeland.

A similar scheme in 1975 ran  
into trouble when the Gilbert  
Island administration rushed  
through a regulation requiring  
most Banabans to obtain a  
licence to live on Ocean Island.  
The so-called closed districts  
ordinance, announced only days  
before the Banabans were due  
to land in March 1975, put bar-  
riers in the way of the com-  
munity re-establishing itself on  
the island.

The ordinance required all  
people not actually born on  
Ocean Island to get the licence,  
which had to be renewed every  
six months. Because the Banabans  
have lived in exile since  
1948, few of their children were  
born on Ocean Island, making  
almost all of them liable to the  
licence and its restrictions and  
controls.

The Banaban leader, Tebuke  
Rotan, said in London yester-  
day that this latest regulation  
was clearly aimed at aborting  
their replanting programme  
and stopping them going back.

Earlier this month, the Banabans  
were awarded a mere  
£9,100 in damages by the High  
Court because of the failure of  
the phosphate company to re-  
store the land to its original  
condition in a decision that has  
been widely criticised.

"We were given an undertak-  
ing in 1947 by the British that

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April, 1975, that redress would have to be made to this wronged community irrespective of pending High Court actions. Our advice was ignored.

Over two years later, and at an expense to the taxpayer for which Parliament will surely expect an account, all that has been achieved is a detailed narration of the contemptible treatment this small people have received at British hands over a long period of time. Indeed, the inability of the High Court to remedy the injustice done to the Banabans seems likely to drive them to the Court of Appeal where we will once again have the painful experience of listening to this shameful story.

What can now be done? May I suggest that the Government should grasp the opportunity of bringing to an end this dismal colonial episode by agreeing to the terms upon which the Banabans accepted Dr Owen's "ex-gratia" offer. These terms were:

(i) that the capital sum of £6.3 million be paid into a fund within the control of the Rabi Council of Leaders (the elected representatives of the Banaban people) with advice from the Government of Fiji;

(ii) that Ocean Island be separated forthwith from the Gilbert Islands and administered by a Commissioner directly responsible to the Secretary of State until such time as a reasonable constitutional settlement is reached; and

(iii) that the right of the Gilberts Colony Government to tax Banaban phosphates be deemed to have ceased as from March 31, 1977, irrespective of the date upon which separation is formally arranged, and the British Phosphate Commissioners be instructed by the partner governments to adjust payment of the proceeds accordingly.

"Should these conditions be fulfilled", as the Banabans go on to say, "they will enable the Banaban people to reestablish a presence on their ancestral homeland and, with the aid of the capital which will become available together with the healing powers of nature, restore at least a part of the ravages of colonial exploitation."

It goes without saying, of course, that the Government, in accepting these conditions, should in fairness ensure that the Gilberts Government are compensated for the loss of phosphate revenue and that the separation of Ocean Island will be without prejudice to its final constitutional status.

We would then, and only then, be able to leave the Pacific with our heads high.

Yours sincerely,  
BERNARD BRAINE,  
House of Commons.  
August 5.

£9,100 in damages by the High Court because of the failure of the phosphate company to restore the land to its original condition in a decision that has been widely criticised.

"We were given an undertaking in 1947 by the British that we could return to our homeland. But every time we try there are obstacles and attempts to stop us. The British and the colonial administration on the Gilberts are using every trick," said Tebuke Rotan.

In the prohibition order, the Gilbert Island administration yesterday said that under its legislation, coconuts, bananas, paw-paw and bread fruit from anywhere in the world are banned. It said similar legislation existed in other areas of the Pacific.

It adds, however, that "given sufficient warning, it should be possible for our agricultural division to provide the Banabans with all the planting material they require."

The Banabans fear that if they were forced to rely solely on the Gilbert administration for agricultural assistance, nothing would get done.

## New name for BBC singers

The BBC Choral Society—not the BBC singers, but the larger, amateur chorus—will change its name to BBC Symphony Chorus, on October 12, the BBC announced yesterday. The chorus was formed in 1928 and was then known as the National Chorus.

Its purpose was to perform large-scale works requiring bigger choral forces than the smaller professional group, now known as the BBC singers. In 1932, the National Chorus became the BBC Chorus, three years later finally adopting the name BBC Choral Society, which remained unchanged until now.

## Fumes inquiry

Three marines, a police officer and three children were taken to hospital yesterday after being overcome by toxic fumes when pesticide pellets were washed up on the shore of the Thames at Denton, Kent. Their condition is not thought to be serious. Experts are checking the contents of the pellets.

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New Banaban group 'a minority'

# BOSS REPLIES ON RABI HOLDINGS

The managing director of Rabi Holdings, Mr Tekoti Rotan, says the newly formed Banaban Community Association is "a small minority," motivated probably by political considerations.

"It is deplorable that this group should try to undermine Rabi Holdings at a time when it has major expansion plans under way to benefit the Banabans," Mr Rotan said.

Mr Rotan was replying to allegations by the association that the affairs of Rabi Holdings were not in order.

It was true that the 1975-76 accounts had been delayed, but he expected that they would be complete by next month, Mr Rotan said.

The company had strengthened its accounting division to help to avoid similar situations in the future.

He denied that annual reports had not been



distributed to shareholders.

It was the practice to meet soon after the end of each year regardless of whether the auditor's report was complete.

"I doubt whether the critics have attended any of these meetings, nor have they made any complaints to me personally," he said.

Lack of commercial knowledge and expertise had been one of Rabi Holdings' main problems, but many

Banabans had now acquired a degree of commercial know-how.

Rabi Holdings intended to publish a bi-monthly newsletter to keep the Banabans better informed of the company's activities.

It was building a \$1 million commercial centre in Rabi Island and work was due to start soon on an airstrip.

The Banaban Community Association has retained a Suva lawyer, Mr Peter Knight, to look into Rabi Holdings' annual reports — which it says have not been distributed to shareholders — dating back to 1970, and into the company's accounts for the same period.

The Registrar of Companies is proceeding against Rabi Holdings for failing to produce its 1975-76 accounts in time.

The association has called also for a complete investigation of Rabi Island Council's affairs, dating back to 1946.

FIJI TIMES, Tuesday, 10th January, 1978.

## VOICE FOR BANABANS.

The Rabi Island Council will be able to appoint one special member to the new Gilbert Islands House of Assembly, according to a Gilbertese Government statement.

And, like all other islands in the Gilbert Group, Banaba will be a separate constituency electing its own Member of Parliament.

Constitutional changes have been made in preparation for a general election the Gilberts will hold on February 1. The former House of Assembly was dissolved on December 21. Every inhabited island will be a single constituency for the first time, the statement says.

The new Assembly will have 35 members elected by 23 constituencies.

Constitutional provision has been made for the appointment of a Rabi Council member.

After the election MPS will meet in Tarawa to decide whether a Chief Minister should be elected by themselves or by a national election.

A new government is expected to be in office by mid-March.

RABI COUNCIL & COMPANY QUERIED.

Community group wants probe of island affairs.

The newly formed Banaban Community Association has called for a complete investigation into the Rabi Island Council's affairs dating back to 1946.

And the Registrar of Companies is starting proceedings against Rabi Holdings for failing to produce its 1975-76 accounts in time.

The new Association says it wants a thorough look in particular into the Council's affairs during the years 1969 to 1973, when it says the accounts were not audited.

During a meeting with some of the Committee members of the Banaban Community Association, including their chairman, Mr. Henry Spring, a Fiji Times reporter, was told that not only had the Rabi Island Council's accounts not been audited during 1969 to 1973, but no records had been kept during this period and documents were missing.

Among the missing documents were 3 cheque books each containing 300 cheque leaves.

Further, the Association says that when Rabi Island Council was audited in 1974 by Suva Accountant, Mr. Girdhar Lal, he did not certify that everything was in proper order.

Mr. Lal yesterday refused to comment on this statement.

Rabi Island Council is composed of 8 Councillors who are elected by the Banaban people at 3-yearly intervals. The Chairman throughout the 1969-73 period was Mr. Titso Rotan.

The Council controls the Trust Fund which now totals approximately \$15 million. This is the revenue from the phosphate being mined on Ocean Island.

The administration and distribution of this is in the hands of the Rabi Island Council of Ministers, according to the Banaban Community Association, (and it) has never accounted to the people for what they do with the money.

They claim that the Banabans have been kept "ignorant" of the distribution of the phosphate revenue. The Banaban Community Association has retained Suva lawyer Mr. Peter Knight to look into Rabi Holdings on their behalf.

They have asked him to look into Rabi Holdings' annual reports which have not been distributed to shareholders dating back to 1970 & into the company's accounts over the same period.

The Association, which was formed in November last year, says its aims are to foster and promote the general welfare of its members & to safeguard & protect the members' interests.

The group is open to all Banabans and has about 200 members in Suva and Rabi.

# Rabi leaders also call for inquiry

Rabi Council of Leaders will ask the Government to appoint a commission of inquiry to study council affairs and administration of Rabi Island.

The council secretary, Mr Thomas Teai said that the council was aware of defects in its operations and in the way the island was administered.

Councillors had approved a resolution calling for a commission of inquiry and a formal request would be made to the Government for the appointment of a commissioner.

"We hope a commission will make recommendations on how things can be improved," Mr Teai said.

"Rabi Council has nothing to hide."

He was answering allegations by the Banaban Community Association about unaudited accounts, lack of

## 'Nothing to hide'

records and missing documents.

He said it was irresponsible of the community association to make sweeping public claims without first officially approaching the council.

Mr Teai said accounts had not been audited between 1969 and 1973, but this did not indicate any deliberate wrongdoing.

"It is actually a reflection of the administrative problems we have faced," he said.

The accounts position had been improved in recent years and he hoped it would be possible to publish proper ac-

counts this year.

He explained that some documents were probably misplaced when Rabi Holdings — the Banabans' commercial organisation — took over certain council functions in 1970.

The association claimed also that the Banabans were not told about the distribution of revenue from Ocean Island phosphates.

Mr Teai said there was no \$15 million trust fund. Phosphate revenue was expended as it was received and was allocated to development on Rabi, share capital in Rabi Holdings, housing assistance, political activities, and bonus and annuity payments to landowners.

"It is untrue to suggest that the people do not know how the money is spent. The distribution of our income is decided by the people every year at a special meeting," Mr Teai said.





# ELECTION RESULTS

THE GILBERT Islands General Election was carried out yesterday on all the islands. The polling stations opened from 7 o'clock in the morning until closing time at six in the evening.

The full results are:

### MAKIN

Binata Tetaeka	-	257 votes (New Member)
Ibeata Tonganibeia	-	151 votes (Lost seat)

### BUTARITARI

Toanimatang Teraoi	-	373 votes
Paul Enoka Benson	-	238 votes
Ieremia Tata	-	198 votes
Meteo Ruatu	-	192 votes
Tebabara Rea	-	175 votes
Noel Tonganibeia	-	158 votes
Kamraratu Kamraratu	-	144 votes
Sambo Tiro	-	125 votes
Teeri Naue	-	96 votes
Anterea Kiata	-	95 votes
Tibwere Noram	-	84 votes
Tetabo Kite	-	69 votes
Burita Toma	-	58 votes

The first four candidates will stand for the second election on Monday to contest for the two election on seats.

### MARAKEI

Naboua T. Ratieta	-	684 votes (Re-elected)
Tabeata Tamaiti	-	361 votes
Atanraoi Baiteke	-	186 votes
Ruotake I. Iantin	-	99 votes
Kantera Tebwebwe	-	97 votes
Berenato Eritane	-	87 votes
Kematie	-	84 votes
Ientaake Kabiriera	-	84 votes

The second seat for Marakei will be contested by Tabeata Tamaiti, Atanraoi Baiteke and Ruotake I. Iantin, at a second election on Monday.

### ABAIANG

Tetabo Teanaki	-	1,045 votes (Re-elected)
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Taniera Kautoa	-	424 votes
Mote Karebau	-	201 votes
Tebaubwebwe Tiata	-	186 votes
Uakerita Kanoanie	-	118 votes
Matakite Bamatang	-	64 votes
Bwebwenibeia Kararua	-	46 votes
Mwea Tareti	-	35 votes

The second seat for the island will be contested by Taniera Kautoa, Mote Karebau and Tebaubwebwe Tiata also on Monday.

### MAIANA

Bwebwetake Aseieta	-	277 votes
Teraaka Biribo	-	206 votes
Baie Teanako	-	63 votes
Katiua Taniera	-	57 votes
Betero Teasaki	-	24 votes
Rauina Utiera	-	13 votes

A second election will be conducted on Monday for the Maiana only seat. Standing for this election will be Bwebwetake Aseieta, Teraaka Biribo and Baie Teanako.

### ABEMAMA

Bauro Tokatake	-	276 votes
Teewe Arobati	-	263 votes
Tekinaiti Kaiteie	-	216 votes
Tebao Maitinnara	-	215 votes
Bwebweata Karotu	-	185 votes
Paul B. Tokatake	-	168 votes
Anterea Kaitake	-	97 votes
Kakaiwa T. Kirimaua	-	74 votes
Karibaua Tetabo	-	29 votes

A re-election for the Abemama seat will be conducted on Monday contested by Bauro Tokatake, Teewe Arobati, Tekinaiti Kaiteie, and Tebao Matinnara.

Second election on

# NATIONAL ELECTION RESULTS

From Page 1

## NONOUTI

Jeremia Tabai	718 votes (Re-elected)
Etekiea Batiua	449 votes (New Member)
Maraiti Katia	175 votes
Tanentoa Airam	146 votes
Tanini Tekiaba	24 votes

## BANABA

Bauro Teteki	-	74 votes
Tabuarorae Taniera	-	60 votes
Tongaua Kabwebwe-nibeia	-	60 votes
Ueaieta T. Namonoku	-	60 votes
Nenebati	-	44 votes

No one got the qualified number of votes. A re-election will be held on Monday.

## TABITEUEA NORTH

Baraniko Raaba	-	400 votes
Leo T. Ubaitoi	-	354 "
Teaobure Ueanteiti	-	301 "
Tito Teburoro	-	236 "
Taberannang Timeon	-	171 "
Aretian Tebeua	-	154 "
Borere Yee On	♀	120 "
Tekea Bokai	-	36 "
Enere Tekena	-	23 "

Again, no candidate was qualified at the election. A re-election will be held on Monday with Baraniko Raaba, Leo T. Ubaitoi, Teaobure Ueanteiti and Tito Teburoro contesting the seats.

## TABITEUEA SOUTH

Teitintau Tetiana	-	218 (New Member)
Bureua Kamaoto	-	107 votes
Tareka Aara	-	43 "
Anterea Tamton	-	13 "
Taokai Ruka	-	13 "

## BETIO

Roniti Teiwaki	-	751 votes
Sam Highland	-	554 "
Teburea T. Bakaoti	-	505 "
Bwebwentaratai Benson	-	492 "
Willie Schutz	-	395 "
Derek Andrewartha	-	351 "
Simeon Teem	-	247 "
Batirio Etuare	-	192 "
Toawea Wateti	-	186 "
Buren Ratieta	-	185 "
Mamara Arawatau	-	176 "
Taribo Tebui	-	168 "
Teitiaki Ioteba	-	137 "
Joseph Kautu	-	
Kamoriki	-	96 "
Tonga Teikarawa	-	73 "
Ioteba K. Timau	-	37 "

Taboia Tewita	-	25 "
Toaneti Taumarawa	-	14 "
Itaia Timon	0	12 "

No candidate received 50% of the total votes cast so a re-election will be held on Monday. Only five candidates will contest the three seats for Betio. They are Roniti Teiwaki, Sam Highland, Teburea T. Bakaoti, Bwebwentaratai Benson, and Willie Schutz.

## RURAL TARAWA

Teweia Uaruta	-	453 (Re-elected)
Tekaai Tekaai MBE	-	226 votes
Nataua Taniera	-	148 "
Tenanoa Kanono	-	137 "
Tekabu Tika	-	115 "
Nawaia Tekanene	-	112 "
Ioteba Tekima	-	106 "
Tabekatarawa Tebau	-	67 "
Tararua Taie	-	63 "
Nabuaka Teraoi	-	43 "
Uro Kanimea	-	39 "
Tokintemate Bare	-	34 "

The second seat for Rural Tarawa will be contested at the second election on Monday by Tekaai Tekaai, Nataua Taniera and Tenanoa Kanono.

## TARAWA TE-INA INANO

Abete Merang	-	676 votes
Nei Tekarei Russell	-	496 "
Toromon Amanu	-	334 "
Karawaiti Taraiia	-	333 "
Toia Taruru	-	310 "
Kabaneiti T. Biribo	-	305 "
Aritake Kauongo	-	265 "
Ianeta Clare Baiteke	-	255 "
Mikaere T. Teatia	-	218 "
Beia Kaitara	-	205 "
Betero Baua	-	195 "
Kaitara Metai	-	176 "
Kaburoro Tanielu	-	172 "
Kourabi Rakunoua	-	111 "
Tata Moantewa	-	108 "
Nauto Tekaai	-	100 "
Kaibariki Mawanei	-	91 "
Korina Takeimoa	-	88 "
Kouratake Taburimai	-	60 "
Terotoma Teraoi	-	49 "

The three seats for Tarawa Te Inainano will be re-contested on Monday by Abete Merang, Nei Tekarei Russell, Toromon Amanu, Karawaiti Taraiia and Toia Taruru.

## Aranuka

Ioane Benna	-	101 votes
Rotiata Binoka	-	87 "
Tebiria Takaio	-	60 "

Continued on Page 4

**ELECTION**

from Page 2

Anteremo Baitéke	-	52	"
Bira Bename	-	40	"
Mangoia Atantarawa	-	16	"

A second election will be conducted on Monday in which Ioane Benna, Rotiata Binoka and Tebiria Takaio will contest the only one seat for the island.

Kuria

Tetimra Taie	-	145	votes
Inatio Binoka	-	71	"
Kauarekea Bakeua	-	70	"
Taboi Kaiuea	-	25	"
Tebati Teeta	-	15	"

Again a re-election will be conducted on Monday. Tetimra Taie, Inatio Binoka and Kauarekea Bakeua will contest for the seat at the re-election.

Nikunau

Tiwau Awira	-	393	votes
			(New member)
Beeni Tongaia	-	69	votes
Tetoa Ubaitoi	-	64	"
Erekana Tebuanna	-	61	"
Tia Aate	-	15	"
Timeon Kaeba	-	6	"
Timon Bwenna	-	2	"

Onotoa

Babera Kirata	-	351	votes
			(New member)
Taia Teinamati	-	81	votes

Tamana

Boanareke Boanareke	-	315	votes
			(New member)
Kairo Matiota	-	76	votes
Robati Natano	-	42	"
Bouateaina Tewe	-	30	"
Tarati Nabetari	-	14	"
Iobi Iobi	-	6	"
Ribanti Ioteba	-	6	"
Tebou Teburae	-	6	"

CHRISTMAS ISLAND

Berenato Tawita	-	23	votes
Bwebwe Manikaoti	-	45	"
Kabwebwenibeia Yee On	-	43	"
Kaokatekai Baiteke	-	53	"
Moiuaa Toariri	-	164	"

The valid papers cast were 328 and so no candidate obtained a clear majority although Moiuaa Toariri failed to do so by only one vote. A second election will therefore be held on Christmas Island on Monday the 6th February between Bwebwe Manikaoti, Kaokatekai Baiteke and Moiuaa Toariri.

PANING ISLAND

Mack Redern	-	50	votes
Ratu Kalteie	-	45	"
Willie Yee On	-	91	"

Again no candidate obtained a majority of the valid ballot papers cast and so a second election involving all three candidates will be held on Monday 6th February.

The result for Washington is not yet received.

# GOVERNOR RETURNS FROM WASHINGTON AND LONDON

## INTERVIEW WITH PIONEER REPORTER

**Reporter:** Sir, did you have a good time going again overseas for some weeks?

**H.E.:** Well, I don't call it a good time to have to go from here to Europe and back inside a couple of weeks and in this particular two weeks I encountered snowstorms, floods, fog and even the aftermath of an earthquake in Guam. I also seem to suffer from a great many delays and cancellations of flights.

I spent seven hours hanging around the Airport at Suva trying to get to Nadi on my way to England having had to spend the night unexpectedly in Funafuti. And I called that was bad until I had to spend 17 hours at Kennedy Airport in New York waiting for the fog to lift so that the plane could start flying again to get to San Fransco on my return.

So, its been a pretty hectic couple of weeks I can assure you.

**Reporter:** After all these experience, what was the main purpose of your visit to the States and to London?

**H.E.:** The main purpose of my visit was to get into a negotiating position with the United States over their claims to 14 of our islands that's the 8 Phoenix Islands and 6 of the Line Islands including Christmas Island.

I had to go to London first to clear up a few things with the British Government and then I had very useful talks in Washington with the Americans. I was also able to discuss the Independence Timetable while I was in London and also the referendum on the future of Banaba both with the British Government and also with the United Nations in New York. And finally in San Francisco I had some very interesting discussions with an American Businessman. He's in a scrap metal market already doing things on Canton and interested in Christmas Island. He also had jobs to offer Gilbertese.

**Reporter:** What's the outcome of the talks over the Phoenix

*Continued on Page 6*

# H.E. BACK

From Page 4

Islands and also the Line Islands?

**H.E.:** Well, the United States Government is prepared to give up their claims to all of the islands with the exception of three. The three islands they are interested in are Canton, Enderbury and Hull. They are interested in maintaining their facilities on Canton with the additional small facilities on Enderbury and Hull which are used in tracking satellites and missiles.

They were used during the 'Moon Shots' in the 1960s and for the last few years since 1970 the United States Air Force has kept these facilities up for some of its own work. They would very much like to be able to go on for another ten years or so and they have got a lot of facilities there and I see no great difficulty in reaching an agreement with them which I hope, will ensure that we also are as re-established in the Phoenix Islands and obtain employment among other things at the Air Force Base.

**Reporter:** What about the island in the Line Group?

**H.E.:** Well, if we could come to some agreement over Canton,

Enderbury and Hull then I think there would be no difficulty in persuading the United States to give up their claims totally to Christmas Island and other islands in the Line Group.

**Reporter:** How are we going to get an agreement with the US Government?

**H.E.:** We discuss the basis of an agreement while I was there and I hope to have within a matter of a few weeks proposals from the United States Government to put to the Government here.

**Reporter:** And what's the purpose of your visit to London?

**H.E.:** The real purpose of my visit to London was to discuss the United State's claims and of-course Britain is responsible for our foreign affairs so I had to get authority from the British Government before I started to negotiate in Washington. But while I was in London, I had the opportunity to talk with Coronwy Roberts, the Minister responsible for our affairs and I explain to him what was happening with the election and that I hope that we had a new government here which would be able to consider matters by April and we would then be getting involved in the referendum on the future of Banaba and we were able to agree that perhaps we would be ready for a pre-independence constitutional conference

*Continued Back Page*

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# H. E. BACK FROM TOUR

to be held in October this year.

**Reporter:** About the businessman you mentioned earlier can you tell more about him?

**H.E.:** This is the direct result of my visit to Canton last year. The person concerned has a contract with the United States Government to refurbish few tanks and he does quite a lot of work out there salvaging scrap.

He's interested in a number of things. First of all he wants to get his scrap shipped out of Canton and I hope to be making arrangements for that to happen.

It will be a useful cargo for us on return trips from Christmas Island.

Secondly, he would like to employ some people here to work with him in Canton and thirdly he had a very interesting proposition which he is going to put to Government to establish a fishing camp at Canton

employing our people which would provide facilities for wealthy Americans to come and fish for a week at a time perhaps

about ten people coming in on a small plane and having facilities to enable them to go

out fishing - the bigger fish and they would pay quite highly for this and it could be a very interesting development of a specialised sort of tourism, which could depend on

the future possibly to some of the other islands where fishing is very good.

**Reporter:** Would it be possible to extend it to Christmas Island?

**H.E.:** Yes, I mention our interest in Christmas Island with the same project and he would certainly be interested in going to the island, I also told him the possibility of scrap there and he got very interested and I promise to let him know when

the next charter flight will be available from Honolulu into Christmas. I found this person a man of great energy and enthusiasm and interest to have done some fascinating thing around the world and he was very anxious to approve that he was a reliable sort of person who wanted to do an honest job, business in our islands which he come across quite by chance from his contract with the United States Air Force.

Fiji Times 4<sup>th</sup> December

# BANABANS HAPPY

## No complaint on judgment

The Rabi Council of Leaders said yesterday that every Banaban would find great satisfaction in the denunciation by a British judge of the way in which the British Government had failed in its obligations towards the Banabans.

The secretary to the council, Mr Thomas Teai, was commenting on a decision by British judge Sir Robert Megarry to dismiss a claim by the Banabans for the replanting of devastated mining areas of Ocean Island with coconut palms, pandanus and almond trees.

An AAP report from London said the judge said that replanting had become impossible and damages would be a proper recompense.

But he would not quantify the damages, saying they could not be nominal nor could they be large.

The judgment, the longest delivered in an English court, came at the end of a 221-day trial.

### SETBACK

Sir Robert said the British Phosphate Commissioners (Australia, New Zealand and Great Britain) who had been in charge of mining operations on the island for the last 56 years, could not take the benefit of the mining without taking on the burden of their obligations.

Those obligations included the replanting question and the issue not yet decided of mining

operations done outside the areas agreed.

The first setback the Banabans received was when the trial judge ruled against their 21 million sterling (about \$35 million) claim for extra mining royalties.

Mr Teai said in Suva that the Banaban people had found great satisfaction in the judge's denunciation of the British Government.

The Banabans had felt that way for a great many years since they became aware of the way things were manipulated to suit first the private exploiters of the phosphate deposits, then the administering power of the Gilbert and Ellice Islands Colony, and last but not least the BPC.

"The judge said that we did not have the protection we should have got," he said.

"But as he also said, his court was not a court of morals, and we lost our claim that legally the British Government had been our trustee and had let us down.

"We have absolutely no complaint to make about the judgment.

"The judge gave the finding he did simply because there was no law under which he could do otherwise."

He said the ordinary Banaban would find it hard to understand why when a wrong

was admitted, the law made no provision for it to be set right.

"But now that Mr Justice Megarry had spoken in the way he has, it will be easier for everyone who knows about Banabans to appreciate why they were forced into litigation and into seeking independence."

Mr Teai quoted from a verbatim report of Sir Robert's observations in which the judge said the Banabans had much to compare themselves with, always to their disadvantage.

Meanwhile, another AAP report from London said the Australian, New Zealand and Fiji Governments would be consulted before any settlement was reached on the future of Ocean Island.

### NO CONFERENCE

The report, quoting the British Foreign Minister, Mr Evan Luard, ruled out any round table conference to settle the island's future.

Legal opinion in London said yesterday that the British Government might well pay compensation to the Banabans even though the High Court ruling was that it had no financial obligation to do so.

The statement from the judge was most unusual but was one that the British Government would not be able to ignore, the opinion stated.

London Times  
14/1/77

## A settlement for the Banabans

From Sir John Peel

Sir, In his article in your issue of January 10, Sir Bernard Braine, MP, called upon the Government to deal generously with the Banabans both financially and politically. I am sure that nobody would want to dispute this, but in righting any wrong which may have been done to the Banabans care must be taken not to do wrong to the Gilbert Islands.

Sir Bernard, like the recent and one-sided BBC television production *Go tell it to the Judge*, stated that the link between Ocean Island and the Gilbert Islands was forged by Britain purely for her own administrative and financial convenience. This does not stand up to the facts. The link is precolonial and the story is well known to every old man in the islands. The Banaban village names come from Beru and date from the time of an important chief marriage between the two islands. Inter-island marriage, always necessary for these small island populations, has been made easier by modern communications and in 1945, 152 of the 337 men who went to settle Rabi Island came from islands other than Ocean.

Even today, of the 2,000 living on Rabi, some 250 have both parents born in Gilbert Islands other than Ocean. Nearly everyone has relatives in the Gilbert Islands, some owning land there elsewhere than on Ocean Island, and, of course, the language spoken by the Banabans is the same Gilbertese spoken throughout the group.

The point must also be made that over the years the revenue received from phosphate by the Gilbert Islands Government has been in lieu of normal taxation. Seen in that context it is not the excessive sum implied in the BBC film.

The Gilbert Islands has a point of view and it must not be overlooked. Let there be a generous settlement for the Banabans, but let it also be honourable.

Yours faithfully,

JOHN PEEL,  
Resident Commissioner, Gilbert and Ellice Islands Colony, 1949-51,  
51 Cambridge Street, SW1  
January 11.

## The Banabans

From Mr Henry F. Naisali

Sir, To us Pacific islanders, reading of the reactions of the British Parliament and press to the judgment given in the Banaban case, the ironies of the situation are almost more than we can bear.

The Banabans, by Pacific island standards, are a rich, well off people living in a fertile island conveniently placed near to metropolitan Suva, capital of Fiji. They have received many millions in phosphate dollars. To us they seem a very lucky people. And yet the British talk of giving them more money.

By comparison, my people in Tuvalu (formerly Ellice Islands),

four times as numerous, have nothing. We are tiny specks in the middle of the Pacific far from anywhere. After 70 years of colonial rule we still have no safe way of getting ashore through the reef passages to our islands, no air service, little employment and scant hopes of economic development. And yet the British Government has recently cut its aid allocation to us.

To those that have, more shall be given, and Britain does not want to know about those who really are in need!

Yours faithfully,

H. F. NAISALI,  
Ministry of Finance,  
Funafuti,  
Tuvalu,  
January 26.

12/1/77 15

# Britain puts squeeze on Pacific islanders.

By CHRISTOPHER SWEENEY

Times Friday 17/1/77

A package deal, in the form of a trust fund is likely to be forced on the former inhabitants of Ocean Island by the British Government later this year—50 years after they first complained to the House of Commons of the devastation of their island by phosphate extraction.

The money would be offered to settle the bitterly-fought claim by the 3,100 Banabans that they were cheated out of royalties and their tiny Pacific island ruined by more than 70 years of mining.

The proposal, in its initial form, is already being opposed by the islanders. Their advisers in London and Australia have recommended that if such a

trust fund is offered, it should be rejected. The actual sum which has not yet been finalised, is in any case bound to be disputed. Certainly, the establishment of a trust would cut down Britain's overall payout.

One problem is that relations between the Banabans and the Foreign Office have been soured by the long court case and distrust of Britain's intentions. At the end of the High Court action, the longest in British legal history, Mr Justice Megarry last December severely criticised the British Government for exploiting the islanders.

The Banabans believe that Britain is still trying to out-manoeuvre them and are expected to adopt an uncompromising line over settlement proposals.

In confidential briefings with MPs, the Foreign Office has argued that the islanders have squandered money in the past and would do so again if given a large lump sum. The Banabans, while conceding that there has been mismanagement in the past, want a lump sum which could be managed in a similar way to that of the other phosphate rich Pacific island, Nauru.

Detailed estimates, from both the Banabans and the British Government, disclose that the islanders received a mere £8 millions since 1920 from royalty payments made by the British Phosphate Commission (42 per cent owned by Australia and Britain, 16 per cent by New Zealand).

Total royalty payment during this period for the phosphate in fact came to around £54 millions but 85 per cent of this was used by London to cover her costs in administering the Gilbert and Ellice Island colony. By the time the phosphate runs out the Banabans claim that the British Crown will have benefited by some £63 millions.

7/7 Guardian

## The Banabans and the Gilbertese

From the General Secretary, Council for World Mission (Congregational and Reformed)

Sir, We should all be grateful to Sir Bernard Braine for his article on Ocean Island (*The Times*, January 10) and to James Cameron for a television film on the same subject. It is not often that the small population of a distant speck on the map gain such a sympathetic hearing in Britain.

That there has been a case of exploitation under the British colonial system there can be no doubt. The benefit accruing to Britain was the cheap food we were able to import from Australia and New Zealand, subsidized by Ocean Island's cheap fertilizer. Britain must attempt to put things right.

Unfortunately the present publicity focuses solely on the Banabans and not on the Gilbert Islands as a whole. The Banabans and the Gilbertese were one people, one in language and tradition, one by inter-marriage, so it was not just a commercial trick to include Ocean Island within the boundaries of the Gilbert Islands colony. The phosphate was regarded quite properly as a resource for all the Gilbertese with separate royalties going to those who directly owned the Ocean Island land itself.

To speak now of separation for Ocean Island is a blow to the Gilbertese. Britain cannot escape from her Pacific entanglements by taking a narrow view of her responsibilities.

It will be up to Pacific people themselves to find a reconciliation of interests, but perhaps Britain may allay fears by adopting a policy such as the following:

1. With the Governments of Australia and New Zealand, Britain should ensure that the British Phosphate Commissioners make generous provision in lieu of making good the surface soil of Ocean Island.
2. With this resource behind them the Banabans should be given freedom to resettle on Ocean Island if they wish to do so.
3. The Gilbert Islands Government should be informed that Britain does not recognize independence for Ocean Island at the present time.

4. Britain should expedite the independence of the Gilbert Islands, and seek an agreed timetable, perhaps two or three years after independence, for a referendum among Banabans who live on Rabi or Ocean Island on the question of independence for Ocean Island: the majority wish to be respected by all the Pacific peoples.

Putting right an historic wrong is always very difficult; we are liable to create new injustices. Therefore the British Parliament should not be hustled into adopting a short term and narrow view of our obligations.

Yours,  
BERNARD THOROGOOD,  
Livingstone House,  
11 Carteret Street, SW1.

## A settlement for the Banabans

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Even today, of the 2,000 living on Rabi, some 250 have both parents born in Gilbert Islands other than Ocean. Nearly everyone has relatives in the Gilbert Islands, some owning land there elsewhere than on Ocean Island, and, of course, the language spoken by the Banabans is the same Gilbertese spoken throughout the group.

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Yours faithfully,  
JOHN PEEL,  
Resident Commissioner, Gilbert and Ellice Islands Colony, 1949-51,  
51 Cambridge Street, SW1,  
January 11.

## BANABAN DISPUTE

Canberra Times

# UN aid sought

18/2/77

GENEVA, Thursday (AAP-Reuters). — The London-based Anti-Slavery Society called on the UN Human Rights Commission in Geneva yesterday to take up the case of the people of the British South Pacific island of Banaba, otherwise known as Ocean Island.

The Society's secretary, Colonel Patrick Montgomery, accused Britain, Australia and New Zealand of depriving "a small defenceless people" of their single wasting asset, phosphate mined on Ocean Island.

Ocean Island was annexed by Britain for its phosphate in 1900 and the Banabans have been moved to Rabi Island, 2,400 kilometres away in the Fiji group.

### Claims for damages

Claims by the 3,000 Banabans for damages from the British Australian-New Zealand consortium mining their island led to the longest and most expensive court case in British legal history.

The court judgment last December awarded the islanders an unspecified

amount in damages, although they earlier failed to get an increase in mining royalties.

Colonel Montgomery said that Banaba, once covered with coconut and almond trees, within two years would be turned into "a sterile moonscape of jagged coral pinnacles".

"A small defenceless people have been deprived by three rich nations of its single wasting asset", he told the 32-State commission at its annual meeting.

The Banabans had been campaigning for compensation to re-establish themselves on their home island, and for separation from the Gilbert Islands colony to which Britain attached it in 1916, Colonel Montgomery said.

Their case was urgent because the colony was due to become independent of Britain soon.

London Times  
4/12/76

# Banabans win a clear moral victory in court but little money

By Marcel Bejins  
Legal Correspondent

The Banabans have emerged from their mammoth legal action in the High Court with a clear moral victory but with only a small part of their financial claims satisfied.

Mr Justice Megarry, on the fifth and final day of his judgment in the two linked cases brought by the Banabans, or Ocean Islanders, awarded them damages to be assessed against the British Phosphate Commissioners (BPC) and the British Government.

The commissioners had failed to replant Ocean Island with food-bearing trees after finishing phosphate mining there. Since it would now be impossible to do this, however, damages were awarded instead.

The judge said that the damages should be neither nominal nor very large. Agreement between the islanders and the commissioners is likely to be reached at a figure of not less than Australian \$2m (about £1,200,000), but well short of the A\$10m which the Banabans are seeking.

The Banabans' big disappointment had come earlier in the judgment, when Mr Justice Megarry rejected their claim against the British Government for allegedly underpaid royalties of more than £21m.

The islanders had alleged that the BPC had been selling off the phosphate on Ocean Island at less than market value, and that, in effect, they had been taken advantage of and been the victims of an injustice.

Mr Justice Megarry appeared to agree with that and made some strongly critical comments about the behaviour of Crown representatives in their dealings with the islanders. For instance the Government had allowed a deal to be made between the BPC and the simple, commercially inexperienced islanders without offering them any advice or assistance. As a result, the Banabans obtained a disadvantageous royalties deal. That "could not possibly be called good government", the judge commented.

Nevertheless, and with some reluctance, the judge concluded that the Crown's obligation to the Banabans was not financial, but governmental, and was therefore not enforceable in the courts.

Points from the judgment will be published in the Law Report in *The Times* on Monday.

The Rev Tebuke Rotan, head of the islanders' council of leaders, said after the case that he was returning to his people weary and defeated, having

realized that it was an expensive misunderstanding to have taken the grievance to English law.

"We have failed in law because there is no English law to protect us from the exploitation we had suffered for a long time from the British Government", he said in a statement issued through his solicitors.

"Our defeat has caused a lot of confusion and sorrow both in our minds and hearts, but at the same time has enabled us to see and understand a true and correct conception of the British Government, British laws, British justice, and the British High Court of Justice".

He said his conception was that the British Government was in fact the law maker. "They do not make laws that could make their position weak in the English High Court of Justice. They have the power to change laws in order to strengthen their position in the English High Court."

Referring to Mr Justice Megarry as "distinguished, honest and straightforward" he added: "The judge has strongly condemned the British Government's failure to meet its obligations to protect its own subjects who are weak, helpless and too small to protect themselves from such exploitation."

The court action does not end the long-standing differences between the Banabans and the British Government. There is also a dispute concerning Banaba's constitutional future.

Since the last war, with Ocean Island uninhabitable because of the mining, the 2,500 Banabans have been living on the island of Rabi, near Fiji. Constitutionally, however, Ocean Island has been part of the Gilbert and Ellice Islands.

The Banabans have been unhappy with that relationship for a long time, partly because they claim that much of the colony's wealth comes from Ocean Island phosphate.

The dispute has come to a head this year with the break up of Gilbert and Ellice, and the imminent self-governing status of the Gilbert Islands on their own, with which, constitutionally, Ocean Island continues to be tied.

After protests by the Islanders, and discussions with the Foreign Office, special safeguards were provided for the Banabans in the Order in Council granting self-government to Gilbert, which is to come into effect on January 1. The Banabans do not believe that the safeguards meet their case and continue to fight.

"THE GUARDIAN" S

## £3M likely for islanders

By CHRISTOPHER SWEENEY

The tiny Ocean Island community hope to receive up to £3 millions after the High Court ruling yesterday awarding it damages for the failure of the British Phosphate Commissioners to reclaim land devastated by mining development.

The vice-chancellor, Sir Robert Megarry, at the end of a four and a half day judgment, said that damages would be awarded after a later hearing as it would now prove impossible to replant fruit bearing trees on the South Sea island.

But he said the damages should neither be nominal nor very large and should be considered against the lessening value of the mined-out phosphate. The amount is to be decided after new submissions to the court early next year.

The ruling means the 3,100 islanders—known as Banabans—won the second of their

two High Court actions. On Wednesday the judge ruled that the court had no jurisdiction over their claim for £21 millions compensation from the British Government.

After the ruling the Banabans' leader, the Rev Tebuke Rotan, said he was returning to his people weary and defeated. He complained that the courts of law had failed to protect his people from the British Government. "Our defeat has caused a lot of confusion and sorrow in our hearts but it has enabled us to see and understand the true conception of the British Government, British laws and British justice."

In a statement issued through his solicitors Mr Rotan accused the Government of using the courts to strengthen its position and make it immune from natural justice.

Despite the disappointment the Banabans should get between £1.6 millions and £3 mil-

lions, say legal advisers. Mr John Macdonald, QC, outside the court described the rulings as a low award but a moral victory. They had originally claimed £7 millions for the reclamation of the island.

Both sides are considering an appeal. The rulings ended the longest and perhaps most expensive civil action in the High Court's history, with 226 sitting days. The costs are estimated at over £750,000, with the Banabans having to account for about £150,000 they collected in a special community fund to fight the Government.

The Banabans won their moral victory when the judge spoke in harsh terms of the injustices they had suffered over the years. Sir Robert said that the British colonial administrators had broken obligations to the islanders and in effect had cheated them of royalties and benefits

However, he has directed that the Attorney-General consider an ex gratia payment although no decision is likely for some time. In legal circles Sir Robert's direction is regarded as unprecedented although powers do exist for such a reference when a matter of this nature is outside the court's jurisdiction.

The colonial administrator who came in for the harshest criticism by the judge was the celebrated novelist and broadcaster, Sir Arthur Grimble, resident commissioner on Ocean Island in the 1920's. In 1928 Sir Arthur threatened the islanders in a letter that they would have their land taken away and their children left destitute unless they signed a phosphate contract giving minimal royalties. "It was impossible to read that letter without a sense of outrage," Sir Robert said.



## Fertile ground

PLANT a pumpkin seed in the Ocean Island and a fortnight later the plant will be racing across the ground in the tropical sun, sprouting enormous full grown pumpkins by the day. But the prodigious fertility of the tiny pimple of an island, just six miles in circumference, has also been its curse. In the heady days of British colonialism in the Pacific Ocean traders discovered that the island was virtually rock solid phosphate, the product of endless centuries of bird droppings.

By 1900, when it became a British protectorate, the original Polynesian inhabitants, the Banabans, had been tricked into a series of trading agreements which gave them the latter day equivalents of trinkets in return for the destruction of their island. Five years after the 1919 agreement concluded with the British Phosphate Company, the Banabans were receiving just six old pence a ton in royalties.

The record of those deals was recounted earlier this year in the oak-panelled High Court in London in what has become the longest and perhaps most costly civil action ever fought. For 221 days, the lawyers for the Banabans, the British Government and the phosphate company argued over the virtual destruction of the island, and dredged up laws and judgments from the relics of Britain's colonial past.

After a protracted judgment, taking nearly five sitting days just to read, Mr Justice Megarry clearly agreed that the Ocean Islanders had been treated harshly. He said that the island itself had been badly damaged: "Admirers of modern sculpture would find much to admire there."

There had also been gross abuses by the colonial administrators: one of the worst had in fact been Sir Arthur Grimble, the celebrated novelist and broadcaster who had effectively run the island in the twenties. There had been "grave breaches" of the obligation to the islanders, Mr Justice Megarry said, and reading through the record would produce a sense of moral outrage. But because of the limitation on the court's powers, the judge rejected the Banabans' first action, a claim for lost royalties and compensation.

Yesterday at the conclusion of his 100,000 word judgment—one of the longest ever delivered in a British court—Sir Robert ruled in favour of the islanders in their second claim, granting them compensation for the replanting of trees on the island and regeneration of part of the destroyed areas.

The marathon dispute however is unlikely to end there. Appeals are being considered by both parties and there is still the question of an *ex gratia* payment from the Government to settle the matter once and for all. The judge during his ruling asked the Attorney General to consider the question of such a payment in the most direct terms but no decision is likely for some time.

In the meantime the Banabans will continue to live 1,000 miles from Ocean

Island, on the Fijian island of Rabi. After the Japanese invasion during the Pacific war the 3,000 Banabans were rounded up by the British and exiled to Rabi. There they have maintained a tight community, living in four villages and surviving through fishing, their royalties, and the goodwill of the Fijians. According to their emissary the Rev Tebuke Rotan, a 46-year-old Methodist minister, the Banabans will eventually return to Ocean Island, once the phosphate has run out (by 1980) and the reconstruction has finished. About 100 people still live there, along with the phosphate workers and a few Chinese traders.

Their desperate longing for a return to the island has always seemed odd to outsiders. There are, after all, hundreds of other tiny islands in the Pacific, many uninhabited and certainly now more pleasant than their ravaged homeland. "In Britain people do not appreciate that our culture, our way of life depends so much on having a homeland. We are ashamed to say we have no place. Our history, our life would be lost if we were to remain as exiles," Mr Rotan said in London during his daily vigil at the High Court.

The Banabans (who take their name from the old name for the island) are, like most Pacific communities, culturally and socially extremely cohesive—a product of generations of isolation. In the past they lived a totally cooperative life with possessions shared among the people.

The dispute itself has caused some friction with both Australia and New Zealand, the real beneficiaries of the cheap phosphate extracted from the island over the years. Australia and Britain established the British Phosphate Company with equal 42 per cent shares—New Zealand owns 16 per cent. But they both wanted to settle the matter long ago and for years have been perplexed at the British attitude.

At the same time, the original dispute has been complicated by the question of independence for Ocean Island and the Gilbert and Ellice Island group. The British Government has insisted that Ocean be part of the Gilbert Independent State when it is declared in 1978, to the chagrin of the Banabans. As part of this policy, the bulk of the royalties due to the Ocean Islanders have for years in fact been given to the Gilbert and Ellice Island administration—another source of bitterness.

In fact, the whole bizarre dispute would probably not have got to the stage it did had not neighbouring Nauru (165 miles from Ocean Island) gained independence a few years ago. By renegotiating phosphate contracts, the 5,000 Nauruans rapidly became one of the richest (if not the smallest) countries in the world. Indeed, they are now so prosperous, racing around their little island on Harley-Davidson motor bikes and Datsun sports cars, that they have begun buying up office blocks in Melbourne and lending money to other Pacific islanders. The example was not lost on the Banabans.

# A shabby chapter

S Express 9 5/12/76

THERE can be nothing but shame over the way the people of tiny Ocean Island in the South Pacific have been treated by Britain.

We grew rich on phosphates mined on the island and paid them a miserable £50 a year.

The islanders were screwed into the ground by an old hypocrite of a colonial governor, Sir Arthur Grimble.

In time, the dust from the phosphate buried their homes and they had to move a thousand miles to another island.

And what happened when the islanders turned to us for help?

They — and there are only 3,000 of them — were made to go to court, at an estimated cost of 1,000,000 dollars for a case that dragged on for 226 days.

At the end the judge ruled that the Crown had no obligation to them and they lost a £21 million claim.

Is it any wonder that after that their leader Tebuke Rotan went out and got drunk?

The British Government should bring to an end this shabby and scandalous chapter in our colonial history by giving the islanders their money, down to the last penny.



this month in Suva with the chairman of Rabi Island Council, Rotan Tito, and at his suggestion the Banabans have cabled the Colonial Office asking for a conference. So far they have had no reply.

# data

PEOPLE  
IDEAS  
ACTION

## Island exiles seek justice

EVER HEARD of the Banabans? They are probably the most obscure and most exploited colonial people in the world.

Until last June, this title might well have been disputed by the people of Nauru. But the Nauruans' lot has improved, and the man who improved it for them—a Sydney economist named Ken Walker—is now preparing to do the same for the Banabans.

There are only 1,908 Banabans, and they used to live on Banaba, or Ocean Island—one of the two phosphate islands (the other is Nauru), about 1,300 miles north-east of Australia.

### Seized

They have had a hard time of it this century. First they were taken over by a phosphate company. In 1900 the British Government incredibly conferred upon this company "the exclusive right to occupy" Ocean Island, even though the island was not, and never had been, a British possession.

During World War II the Banabans were resettled by the Japanese on the island of Truk, and after the war they were moved again to their present home on the Fijian island of Rabi (pronounced Ramby). The British Government made them buy the island with their own money—£25,000 out of the Ocean Island Royalty Trust Fund.

The British Phosphate Commission, which extracts 350,000 tons of phosphate rock a year from Banaba, pays the Banabans of Rabi a royalty of only 2/8 a ton. Until last year, it was 1/9. The Gilbert and Ellice Islands colony—to which Banaba, minus the Banabans, is now attached—receives a royalty of 23/

per ton, but this is no help at all to the Banabans over in Fiji.

"In the eyes of Gilbert and Ellice, the Banabans don't exist any longer," said Mr Walker yesterday. "In the eyes of the Fijian Government they're a pretty small group of people trying to stir up trouble, and the Government has enough trouble of its own, thank you very much. You could say the Banabans are the odd men out in the Pacific."

Mr Walker, who spent three years in the United Nations Department of Economic and Social Affairs, now works for a market research organisation, Philip Shrapnel and Co. Pty. Ltd.

It was to this organisation that the Nauruans came last year when, for the first time, the Australian Department of Territories permitted them to seek advice on pressing their claim for higher phosphate royalties.

At that time the Nauruans



MR KEN WALKER; Talks in Suva



Pacific Islands Monthly photo.

ROTAN TITO  
Cable to London

and quality of phosphates from Morocco, the United States and Tunisia, Mr Walker estimated that the true value per ton of Nauruan phosphate was not the £2/10/ charged by the B.P.C., but £6/4/.

### Doubled

To reach what he regarded as a proper royalty rate, he then subtracted cost of extraction, cost of administering Nauru, and 20 per cent on costs to cover profit. The result: a royalty of 68/ a ton.

Naturally the department did not accept this figure. Aware as it was, however, that Mr Walker's figures could very easily pop up in the U.N. Trusteeship Council, it more than doubled its "final offer" of 7/. Since July, the royalty has been 17/6 a ton.

The Nauruans were delighted, and the Banabans (royalty 2/8) were most impressed.

Mr Walker conferred

ruan royalty was only 3/8 a ton. The Department of Territories, acting on behalf of the British Phosphate Commission, which mines Nauruan phosphate for the British, Australian and New Zealand Governments, had made a final offer to the Nauruans of 7/ a ton. They had turned it down.

Working from the prices

# BANABANS'



# SUNDAY SUN

# BOSS IN UK

INDAY, DECEMBER 5, 1976.

INAL EDITION

20 CENTS

# COURT ON DRINK CHARGE!



Eye-catching

LONDON.— A drunkenness charge landed a Banaban leader who is a Methodist minister in court yesterday.

He is the Rev. Tebuke Rotan, London representative of the Banaban Islanders in their court fight against the British Government over phosphate mining at Ocean Island.

A policeman found him drunk outside the Home Office on Friday night, Bow Street Court was told.

The police prosecutor said Mr Rotan, 46, staggered past Downing Street before leaning against a lamp-post outside the Home Office.

The minister, who plead-

ed not guilty to being drunk and disorderly said he had two bottles of wine at dinner.

"I was stumbling because I was very hungry," he said.

"I didn't have any lunch and I had dinner late, with a lot of wine.

"All I wanted was a good sleep, so I drank wine."

The court found Mr Rotan guilty and conditionally discharged him on a three-month good behaviour bond.

The Banaban people, from Ocean Island in the Gilberts, now live at Rabi in Fiji.

British publications gave considerable prominence last week to two record-breaking High Court lawsuits by the Banabans against the British Government and the British Phosphate Commissioners.

The Economist, an influential weekly magazine, said that because of them "one of the nastier skeletons in Britain's colonial cupboards has come to light."

It reported comments by Mr Justice Megarry about the British Government's

"grave breaches" of obligations towards the Banabans and the late Sir Arthur Grimble's threats to them if they rejected terms for phosphate land leases in 1928.

The Economist quoted Mr Justice Megarry's statement: "A judge ought to direct attention to what he considers to be a wrong that he cannot right and leave it to the Crown to do what is considered to be proper."

It saw the statement as "virtually an invitation for the British Government to make a substantial ex gratia payment to the Banabans to recompense them for some of the money they were bullied out of in the past."

The London Evening Standard said the judge's ruling that the Banabans were entitled to damages for British Phosphate Commissioners' failure to replant mined-out parts of Ocean Island was the only part of his judgment to go in their favour.

Earlier, they won something of a moral victory when he spoke of the injustice they had suffered, the Standard said.



# The two faces of Sir Arthur Grimble

By R. BARRY O'BRIEN

**A** COLONIAL administrator, who became a celebrated broadcaster and author of one of the world's most successful books of reminiscence, has been portrayed in a harsh, new light.

A High Court case this week showed an unknown face of Sir Arthur Grimble, who became for millions through his broadcasts and books the archetypal British colonial servant, carrying the white man's burden in far-flung corners of the Empire.

The case has been brought against the British Government by 500 people from Ocean Island, part of the Pacific colony of the Gilbert Islands, where Sir Arthur spent his early career.

Sir Arthur, who recalled his Pacific experience in his broadcasts and his best-seller "A Pattern of Islands," which has sold more than one million copies since it was published in 1952, has been branded as a villain of the case.

## £22 million claim

The Ocean Islanders, who are claiming £22 million from Britain for phosphates mined in the island, have accused Sir Arthur of forcing them to sell the phosphates too cheaply when he was resident commissioner in 1926-33.

An alleged letter from Sir Arthur produced in evidence told the islanders that they had shamed "the important Chief" (King George V) by refusing to sell phosphates to the British Phosphate Commissioners for 10½ pence (old money) a ton.

The letter threatened the islanders that their land would be compulsorily acquired and their villages destroyed if they did not agree to sell.

Mr Justice Megarry, summing up on Tuesday on the 223rd day of the case, which has cost £750,000 to date, said the letter contained "grievous threats" and it was impossible to read it "without a sense of outrage."

## Retired in 1948

Sir Arthur Grimble, who first went out to Ocean Island as a cadet in 1914 and remained in the Gilbert and Ellice Islands until 1933, was Governor of the Seychelles and later the Windward Islands before he retired in 1948. He died at 68 in 1956.

He surprised his Colonial Service colleagues with his success as a broadcaster and author after his retirement. He had won note as a scholar and anthropologist but few had been aware of his gift for popular story-telling.

The new picture of him threatening the islanders has caused even bigger surprise among people who remember his broadcasts and have read his books because it is so different from the self-portrait which he painted.

Sir Arthur emerged from his broadcasts and books as a wise, benevolent administrator, affectionately caring for the people in his charge and able to take a lightly mocking view of the responsibilities of empire.

The tone was set in the pro-

Sir Arthur said in the book that Edward Eliot, Resident Commissioner when he arrived in the Gilbert Islands, was struggling at the time of his arrival to improve the conditions that governed the mining of phosphate on Ocean Island.

"His aims were to secure for the Baanahan (Ocean Island) villagers an increase of the tonnage-royalties paid into a trust fund for their phosphate, and to set up guards against the premature encroachment of the diggings upon their villages. He won his fight eventually in the teeth of much official misunderstanding.

"Fifteen years later, as Resident Commissioner myself, I was called to add a little to the foundations he had laid, and others added more after me."

Sir Arthur added that he was fortunate to have Eliot as his first chief "for he was a personification of the protective spirit which inspire the best servants of autocracy with benevolence in the field."

One of Sir Arthur's best stories, told in a broadcast and in "A Pattern of Islands," was how he dived into a lagoon as live bait for octopus hunters. This was how the islanders went octopus hunting, and when invited to join them he felt unable to refuse.

"The Gilbertese reserved all their most ribald humour for physical cowardice. I decided I would rather face the octopus."

Sir Arthur's gifts as a raconteur showed to perfection in his broadcasts. He had a perfect voice for his stories and the way he told them made him the envy of professional broadcasters in the days when radio had a bigger audience than television.

## Daughters dismayed

Sir Arthur's widow died this year, but he is survived by four daughters, who have been dismayed by the references to him in the Ocean Island case.

His second daughter Rosemary who is married to the author Adrian Seligman, illustrated Sir Arthur's books and brought out some of his unpublished writings in a book in 1972.

"The relationship between my father and the islanders was a very good and a very true one," she said. "Today in the Gilbert Islands he is remembered with great affection still."

Surprise was also expressed by Mr Philip Snow, author of the article about Sir Arthur in the Dictionary of National Biography.

Mr Snow, brother of Lord Snow the novelist, is a former colonial administrator who served in Fiji and knew Sir Arthur in the later years of his life.

## Very surprised

At his home in Angmering, Sussex, Mr Snow, who was Bur-sar of Rugby after he left the Colonial Service and is now retired, said: "I am very surprised. It is not in the character of the man I knew."

"I always thought he had the greatest affection and sympathy

vice colleagues with his success as a broadcaster and author after his retirement. He had won note as a scholar and anthropologist but few had been aware of his gift for popular story-telling.

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Sir Arthur emerged from his broadcasts and books as a wise, benevolent administrator, affectionately caring for the people in his charge and able to take a lightly mocking view of the responsibilities of empire.

The tone was set in the prologue of "A Pattern of Islands" when he described the popular view of Britain's imperial role when he joined the Colonial Service in 1913.

## 'Almighty Anglo-Saxon'

"The Almighty was beyond doubt Anglo-Saxon, and the popular conception of Empire resultantly simple. Dominion over palm and pine (or whatever else happened to be noticeably far-flung) was the heaven-conferred privilege of the Bulldog Breed. Kipling had said so.

"The colonial possessions, as everyone so frankly called them, were properties to be administered, . . . kindly administered, naturally—nobody but the most frightful boaster could possibly question our sincerity about that—but firmly too, my boy, firmly too, lest the school children of Empire forget who were the prefects and who the fags."

The book was acclaimed for its humour and charm, and its tales of a romantic life amid Pacific coral atolls in bygone days made it an immediate success with the war-weary public in the post-war era of austerity.

Still in print, the book has sold more than one million copies in English, was included in a series of the world's "50 Best Books" and has sold 100,000 copies in foreign languages.

## Grey pall

The book dealt only with the early part of his career ending before he became resident commissioner in Tarawa Island, administrative centre of the Gilbert group, and did not cover the negotiations over phosphate mining.

Sir Arthur described his first sight of Ocean Island's phosphate crushing-mill throwing clouds of dust into the air and covering the greenery of the island with a grey pall as he arrived at the island in the steamer Moresby.

"Its belchings seemed to us as grossly out of place as a series of eructations in the face of the infinite.

"Yet the major impertinence was ours: the unmannerly monster we saw before us was helping to keep a million acres of pasture-land green in Australia and New Zealand and but for its disfiguring industry on Ocean Island, there would have been little enough revenue to maintain services for the 30,000 Gilbertese and Ellice folk who lived by their bright lagoons in the atolls to east and south."

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## Very surprised

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"I always thought he had the greatest affection and sympathy for the people he was administering and would not be party to any harsh action."

"He was a benevolent man with the interests of the islanders very much at heart. He was constantly thinking of schools, hospitals and any means of improving their way of life."

## NORTH SEA OIL SPILL 'THREAT TO BIRD LIFE'

The first case of North Sea oil pollution in Britain has been reported by the Royal Society for the Protection of Birds. Mr Roy Dennis, Highlands officer of the Society, said he found the oil at Loth, Sutherland. A sample was sent to the Highland River Purification Board for analysis. The board confirmed that the oil matched specimens from a field 14 miles off Brora, Sutherland, by MESA (UK) petroleum.

Mr Dennis said yesterday that this was the first known beach pollution by North Sea oil, although there had been several spills in distant waters. The amount of oil found at Loth was small, and only a few oiled gulls were seen, but September was the safest time of the year for birds there.

Mr Dennis said: "This is just what we have feared since North Sea oil was discovered. The scale of damage to bird life caused by spillage could be enormous."

## On the twelfth day of Christmas...

More than 70 spastic babies will have been born. They will all need a special kind of love, care and attention. Help us to help them by sending a donation, or writing for our covenant/legacy leaflets to: The Spastics Society, Dept. 14,

12 Park Cres, London, W1N 4EQ. **The Spastics Society**



21st December, 1976.

P.M. UNDER FIRE: GILBERTESE LEADER ALLEGES INTERFERENCE.

The Gilbert Islands say the sole reason for the three-month delay in the introduction of self-government is interference by Fiji's Prime Minister, Ratu Sir Kamisese Mara.

A resolution condemning "intervention" by Fiji in the affairs of the Gilberts has been passed by the House of Assembly in Tarawa.

A report of the condemnation was being studied yesterday by the Fiji Foreign Affairs Department which had no immediate comment to make on it.

Anger in Fiji's role in a dispute between the Gilberts and the Banabans of Rabi Island in Fiji over the future of Ocean Island was expressed in the House of Assembly by the Chief Minister, Mr. Tuboua (sic) Ratieta.

He said the Gilberts had been due to get self-government on November 1 but "at very short notice" Britain had deferred it to January 1.

The Government, a constitutional negotiating team, the parliament and the people of the Gilberts had been let down, he said.

More distressing was that the "sole reason for the delay is the intervention of the Prime Minister of another Pacific country during a meeting at which we were not represented - a meeting of which we were unaware until it had taken place".

Referring to Ratu Sir Kamisese's role in assisting the Banabans with their problems over Ocean Island and its phosphate deposits, Mr. Ratieta said: "I wish I could explain why this outside interference was allowed to delay the date of introduction of full internal self-government."

"But I am at a loss to do so".

The Banabans, now Fiji citizens, have asked for the separation of Ocean Island, their original home, from Gilbertese rule.

At the joint request of the Banabans and Gilbertese, Ratu Sir Kamisese had acted as an intermediary between the two.

Mr. Ratieta told the House of Assembly his government had been told that the Fiji Prime Minister felt more time should be given for consideration of the Banaban views.

Mr. Ratieta said he could only assume Britain had chosen to listen to the Fiji Prime Minister "as a matter of political expedience, rather than take heed of the wishes of the Gilbertese people.

Mr. Ratieta was supported by the Leader of the Opposition Mr. Ieremaia Tabai.

A motion passed by the House expressed "deep concern" that due to intervention by another country self-government had been delayed until January 1.

It sought an assurance that "neither the country concerned (Fiji) nor any other body will be allowed to interfere in the affairs of the Gilbert Islands without the knowledge and consent of the Gilbert Islands Government".

22/12/76

# The Fiji Times

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## EDITORIAL COMMENT

### Gilbertese ignore the facts

THE suggestion that the Prime Minister, Ratu Sir Kamise Mara, has been interfering in the domestic affairs of the Gilbert Islands would have been absurd and laughable but for the fact that such a grave accusation has come from none other than that country's Chief Minister, Mr Tuboua Ratieta.

By influencing his House of Assembly to adopt a resolution condemning "intervention" by Fiji in its affairs, Mr Ratieta has probably done serious harm to relations between his Lilliputian state and Fiji.

For some curious reason of his own, Mr Ratieta has chosen to ignore the facts of the issue.

It is common knowledge that Ratu Sir Kamise was prevailed upon to act as a mediator and conciliator in the dispute between the Banabans and the Gilbertese, at the invitation of both parties.

Throughout his actions, the Prime Minister played the role of a peacemaker in the most statesmanlike manner. Indeed, at one point he was mildly critical of the Banabans themselves for the way in which they campaigned for support for their cause.

To suggest that the Prime Minister has influenced Britain to delay independence for the Gilberts is, to say the least, mischievous. As the leaders of Rabi Island Council have pointed out, the decision was made solely by the British.

In any case, it would be insulting the intelligence of the British to believe that they cannot make their own decisions.

The people of Fiji demonstrated wide support for the Banaban cause. They wanted the British to hear the Banabans' views on the future of their former home.

The Prime Minister had the full support of both the Banabans and the people of Fiji in his attempts to mediate and conciliate in the long-standing dispute between the uprooted islanders and the Gilbertese.

It is a pity that Mr Ratieta and his fellow parliamentarians have chosen to misconstrue his actions and take an inimical posture towards Fiji.

The Prime Minister, Ratu Sir Kamise Mara, said yesterday he was astounded to hear that the British Foreign and Commonwealth Office had apparently told the Gilbert Islands he was responsible for the postponement of their independence.

"I was surprised to see a Government could do this sort of thing instead of owning up that they are the ones who still have the authority to make decisions," not the Prime Minister of Fiji, he said.

The Gilbert Islands passed a resolution in its House of Assembly condemning intervention in its affairs by Fiji and claiming interference by Ratu Sir Kamise was the sole reason for a three-month delay in introducing self-government.

Ratu Sir Kamise said he had given the Rabi people advice from time to time on request.

At a meeting he chaired in Tarawa between ministers from

the Gilbert Islands and the Rabi Council, they decided to have a meeting with the British Phosphate Commissioners on finance and another in Suva with United Kingdom representatives on the constitutional issue.

"I think the Rabi people and myself thought that there was a way ahead, a breakthrough at last," he said.

The next thing anyone knew, Gilbertese representatives had gone to London for a constitutional conference and decided there should be internal self-government by November.

They did not even have the courtesy to inform the Rabi people and Fiji that they had apparently decided to ignore the agreement and carry on in their own way, Ratu Sir Kamise said.

When he had the opportunity in London he went to

# BRITAIN ACCUSED OVER GILBERTS DISPUTE

Fiji Times 23/12/76

the Foreign and Commonwealth Office and gave them a piece of my mind," he said.

The result was that they agreed perhaps they should postpone the date for self-government until they heard the Rabi court case ruling.

Ratu Sir Kamise said he made the representation on behalf of the Rabi people because they had already asked for help and he had received petitions from public demonstrations held in Suva.

There was an understanding

with the Foreign and Commonwealth Office that his talks were confidential and next day the Rabi Council representative and legal adviser would visit the office to talk along the same lines and make the decision on the postponement.

"I was astounded to hear that apparently the information came from the FCO to the Gilberts that I was responsible for the postponement," he said.

"They may not be wrong but officially the ones who really made the decision were the Rabi Council."

And so I am advised by the Rabi Council.

# Banabans hit back at criticism of Fiji's PM

Fiji Times 22/12/76

Banaban leaders said yesterday that the postponement of self-government for the Gilbert Islands was the entire responsibility of Britain as the colonial administrator of the Gilberts.

"To accuse the Prime Minister of Fiji of interfering is totally unjustified" the Rabi Island Council said in a statement.

It said both the Gilberts and the Banabans had accepted Ratu Sir Kamise Mara as mediator in talks about the future of Ocean Island.

The council's manager, the Rev Tebuke Rotan, said accusation made by the Chief Minister of the Gilberts, Mr Tuboua Ratieta, were a "grave mistake."

He was attacking someone who had

been trying to help as a friend of both sides.

Mr Ratieta told a recent House of Assembly meeting in Tarawa that self-government had been delayed from November 1 to January 1 for no other reason but the view of the Fiji Prime Minister that more time should be given to the Banaban case for the separation of Ocean Island, their homeland, from Gilbertese rule.

The Banaban statement said there was no objection to self-government.

As Fiji citizens they deeply appreciated the Prime Minister's willingness to put their views to Britain.

"A prime minister of any country has every right to make representations on behalf of nationals of his country," the statement said.

Today's Sport

# Barlow heads for century

From John Thicknesse

JAIPUR, India, Friday  
GRAHAM BARLOW was just ten short of a century at tea, out of an MCC score of 185 for two in the second match of their cricket tour of India, against Central Zone.

The Middlesex left-hander, playing his first innings of the tour, shared in a partnership of 109 with Dennis Amiss for the second wicket, before Amiss was run out shortly before 10.

Mike Brearley had won the toss on a perfect day for batting, on which a constant light breeze took the sting out of a temperature of 80.

The pitch was not as true as it looked and the early batsmen had differing bounce to cope with as well as swing. Kallish Ghattani, who played a little for Kent 2nd XI in 1970, beat Amiss and Woolmer four times in his first three over with late outswing.

## Deserved

Then in his fifth, he deservedly had Woolmer caught at forward short leg as he pushed forward.

With Ken Barrington's advice "not to hurry" ringing in his ears, Barlow watched every ball intently.

There was thus in no danger of a surprise in giving

# Marathon lawsuit over phosphate

# ISLAND WINS DAMAGES CASE



THE South Sea islanders who brought a marathon lawsuit over the devastation of parts of their home by phosphate mining are entitled to damages for the failure of the British Phosphate Commissioners to replant the mined-outland with trees, a High Court ruled in London today.

At the end of his four-and-a-half day judgment on the case, Sir Robert Megarry, the Vice-Chancellor, said that replanting of tiny Ocean Island with fruit-bearing trees would now prove impossible, so he awarded damages instead.

He left the figure of damages to be worked out between the Phosphate Commissioners and the islanders—known as Banabans.

But Sir Robert added: "In litigation in which the Attor-

ney General is a party, a judge ought to direct attention to what he considers to be a wrong he cannot right and leave it to the Crown to do what it considers to be proper.

## Substantial

"The Crown was, traditionally the fountain of justice and justice is not confined to what is enforceable in the courts."

The judge said the figure should be neither nominal nor very large, and should be considered against the lessened value of the mined-out phosphate land.

A lawyer for the Banabans said after the hearing that their claim had been for 10 million Australian dollars (about £6,000,000), but after negotiations it might be that a figure of only 2,000,000 dollars would be reached.

The Banabans, he said, were tenacious bargainers and, although they would not get as much as they had hoped

for, they would be trying for "something substantial."

The damages ruling was the only part of Sir Robert's long and complex judgment to go in the islanders' favour—although earlier they won something of a moral victory when the judge spoke of the injustice they had suffered over mining deals.

He dismissed their £21 million claim against the British Government for underpaid royalties because, he said, the Crown's obligation towards the Banabans was not financial but governmental—and that was not enforceable in the courts.

Michael Kilbane writes: The key figure in the trial was Rotan Tito, Methodist Pastor and leader of his Banaban people.

Courteous, absolutely sure of himself, he sat impressively on a hard wooden bench in Court 16, week after week, listening intently to intricate legal arguments in a language he does not understand. He

bore witness to an old wreck he has devoted his life to fighting.

One of the few pure-blooded Banabans left, Rotan looks like a Red Indian chief, thick-set, muscular, high-cheek bones stiff black hair, piercing black eyes and an unerring stillness. In London he dressed immaculately in formal English city clothes.

## WEATHER REPORT

### DRY

DRY, mainly sunny but some wintry showers; maximum temperature 57 F (5 C); wind light mainly westerly.

SHADE TEMPERATURE: 2 pm 41 F (5 C). Barometer 997.4 millibars (29.3 inches), falling.

LIGHTING-UP TIME: 4.23 pm to 7.13 am. Sun sets 3.21 pm, rises 7.47 am. Moon rises 2.18 pm, sets 5.18 am.

## Islanders' leader found guilty

THE Rev Tebuke Rotan, a 46-year-old Methodist minister, was found guilty of being drunk and disorderly in Whitehall when he appeared at Bow Street Court today.

The Rev Rotan, leader of the Banaban people of Ocean Island in their long legal battle against the Crown, was given a conditional discharge for three months. He had denied the charges.

## The 'weird' walks

Continued from Page 1

was going on. He wanted to know what was happening around him.

Mr Pincher said he knew Lord Wigg had been getting the following morning's Express for the air and that he

going there to buy a Daily Express. The police did not know until the night of September 17 that Lord Wigg was in the habit of going to that stand to buy a paper daily.

He said Lord Wigg would not be air and that he

**CERAMIC TILES**  
**AT HALF NORMAL**  
**MARKET PRICES**

*As a result of...*

Miss Josselyn  
 for  
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Guardian  
19.6.76

THE G

# Coral island marathon law suit over

The hearing of the longest and most costly action in English legal history ended in the High Court yesterday. It lasted 221 working days and is estimated to have cost more than £750,000.

The record-breaking case — in which judgment is expected in the autumn — concerned the tiny island home of the Banabans in the South Seas.

From the turn of the century Ocean Island colony was ravaged by the mining of its rich phosphate deposits, first by a private company and then by the British Phosphate Commissioners, a company formed by the British, Australian and New Zealand governments in 1920.

A few years ago the Banabans began their fight for a larger share of the profits of the exploitation of their 1,500-acre former home, and for the rehabilitation of parts of it to enable them to return and live there.

From Rabi, another island 1,500 miles away to which they were taken after the last war during which Ocean Island was occupied by the Japanese, they prepared their plea for justice to the English High Court.

They sued the BPC and the UK Government, claiming the right to have Ocean Island replanted with the food-bearing trees and shrubs which, they said, would enable them to return and build up a viable fishing economy. They also claimed £21 millions in additional royalties from the BPC.

Led by 70-year-old Rotan Tito, chairman of the Rabi Council of Leaders, a group of them came to England to give evidence through interpreters about the ownership of their land, the cataclysmic changes wrought by the demand for its mineral wealth, and their hopes for its future.

Mr Justice Megarry and the court spent 15 days last summer on Rabi and Ocean Island so that the judge could get a better idea of the situation.

Mr John Vinelot, QC, for the Crown, told the judge yesterday that there had been times when counsel felt that they would be "overwhelmed by the mounting tide of paperwork," and he paid tribute to the judge's infallible patience and courtesy.

# Britain to talk with Banabans

LONDON — The British Foreign Office said yesterday it envisaged early talks with leaders of the Gilbert Islands and the Banaban people of Ocean Island following judgment last week in Britain's longest and costliest court case.

Sir Robert Megarry, in his High Court judgment, awarded unspecified damages to the 3000 Banabans against the mining consortium whose operations devastated their Pacific homeland 30 years ago.

## CONSULT

In a statement yesterday, the Foreign Office promised to try to encourage a solution for both the Gilbertese and the Banabans.

It said it would also consult with Australia and New Zealand, its partners in the British Phosphate Commissioners (BPC) involved in phosphate mining in the area.

Several questions about the Banaban people and Ocean Island have been asked in the House of Lords since the High

Court judgment.

Lord Shawcross asked what compensation had been paid to the Banabans, and was it not some derisory sum.

The Minister of State in the Commonwealth Office, Lord Goronwy-Roberts, said future arrangements with the Banabans might well involve certain financial arrangements which he could not state yet.

All considerations would be borne in mind when Britain discussed them, not only with the Banabans and the Gilbertese but with the Australians and New Zealanders, who had an interest in the matter.

Lord Brockway asked whether the Government would consider making an ex gratia payment to the Banabans in view of the fact that Mr Justice Megarry had made "a devastating criticism" of the actions of the British Government.

The minister replied that the Government would consider making an ex gratia payment but he first wanted to study the judgment and have early talks with those concerned.

*Fiji Times 10/10/76*

*THE TIMES*  
**Gilbertese reply** 20/10/76  
Sir — Your readers must be bored with our family quarrel and I will not prolong it further. My last word is to point out that the Gilbert Islands Government took the initiative in inviting the Rabi Council to come to Tarawa to discuss their financial difficulties last March.  
It was not our fault that the Council waited until June. The council prefers London to Tarawa since there is more to spend their \$80 per diem on.  
— OTIUEA TANENTOA,  
Minister of Commerce and Industry, Gilbert Islands Government, Tarawa.

# Banabans fail except on replanting issue

Tito and Others v Waddell and Others

Tito and Others v Attorney General  
Before Sir Robert Megarry, Vice-Chancellor

His Lordship, giving judgment in an action brought by Banabans, the inhabitants of Ocean Island, rejected their claims against the Attorney General for disputed royalties for phosphate extracted from the island and for a declaration that the Crown ought to pay one of them or was accountable to them for those payments.

But in another action, against the British Phosphate Commissioners, he held that although they were entitled to a decree of specific performance of an agreement to replant fruit-bearing trees on part of the island, an order for damages would be a proper order to make.

The hearing of the actions started on April 8, 1975, and went on for 206 days, until June 18, 1976. In addition, 15 days his Lordship spent viewing the island. His Lordship took four and a half days to deliver the judgments.

Mr J. R. Macdonald, QC, and Mr C. L. Purle for the Banabans in the first action; Mr R. A. MacCrimple, QC, Mr N. C. H. Browne-Wilkinson, QC, and Mr D. K. Rattee for the British Phosphate Commissioners; Mr J. G. Le Quesne, QC, Mr J. E. Vinelott, QC, Mr P. L. Gibson and Mr D. C. Unwin for the Attorney General.

Mr W. J. Mowbray, QC, Mr J. R. Macdonald, QC, and Mr Purle for the Banabans in the second action; Mr Vinelott, QC, Mr Gibson and Mr Unwin for the Attorney General.

His Lordship said that Ocean Island lay just south of the Equator, in the Western Pacific, and roughly half way between the Hawaiian Islands and Australia. Its nearest neighbour was Nauru, some 160 miles to the west. Both Ocean Island and Nauru were known as phosphate islands because of their high-grade phosphates. In its natural state, the surface of the island consisted of grass, trees and vegetation, growing more or less directly out of alluvial phosphate, with very little of what could be called "topsoil" in any real sense of the word; but there were outcroppings of coral pinnacles of a greyish colour.

When phosphate was discovered on Ocean Island in 1900, there were 500 indigenous inhabitants who called the island Banaba, and were themselves known as Banabans. For 20 years the phosphate was extracted by a British company, first by the Pacific Island Co Ltd and from 1902 by a subsidiary, the Pacific Island Phosphate Co Ltd. Then, in 1920, the British Phosphate Commissioners were constituted by the governments of the United Kingdom, Australia and New Zealand, who had jointly acquired the mining undertakings which the company had built up on Ocean Island and on Nauru. Since 1920 the mining was conducted by the British Phosphate Commission, with one commissioner appointed by each of the three countries. The commissioners, who were never incorporated, held the undertaking in trust for the three governments in the proportion of 42 per cent (United Kingdom) 42 per cent (Australia) and 16 per cent (New Zealand).

The mining of phosphate on Ocean Island was carried on with the Banabans remaining in residence, but the outbreak of the war in 1939, and the occupation of the island by the Japanese in 1942, had curtailed production and brought it to an end. The Japanese transferred most of the Banabans to another island, and when, in 1945, Ocean Island was recovered from the Japanese it had been devastated and was uninhabitable. Though the Banabans' right to return to the island had been carefully preserved, it was almost impossible for them to do so until some time after the war.

Another island, Rabi, had been bought for them in 1942 out of a fund built up out of phosphate royalties; and it was to Rabi that they went.

From any practical point of view there had long been no question of the Banaban community as a whole ever returning to live on Ocean Island. Phosphate had been extracted from about three-quarters of the island, and when the last of the workable phosphate would have gone in another two or three years little would be left save a desolation of uninhabitable pinnacles surrounded by a run of land bearing such buildings and plant as the commissioners had abandoned on it.

There were two main aspects of the Banaban case. The first was a physical one, the second was a financial one. The first action was principally concerned with the former, the second with the latter. In the first action claims were made by a selection of the Banaban landowners against the commissioners.

The main claim in the first action was for specific performance of contractual obligations to replant certain land with trees and shrubs, or alternatively, for damages. The Attorney General was concerned only in a minor degree. The contention was that the United Kingdom government, acting by the governor of the Gilbert and Ellice Islands colony, was bound to prescribe the spec-

and shrubs that were to be planted.

The second action was very different. It was brought by Mr Rotan Tito, who claimed to be the owner of much land on Ocean Island, and by the council of leaders, an incorporated body which was in effect the governing body of the Banabans. The defendant was the Attorney General. There were three main heads of claim. The first two related to the Crown standing in a fiduciary position towards the Banabans in connexion with two transactions, one in 1931 and the other in 1947. The 1931 transaction was, in essence, the compulsory acquisition of 150 acres, whereas the 1947 transaction was a voluntary agreement. For the transaction, the core of the Banabans' claim was that the royalty payable to them under a mining lease granted to the commissioners by the resident commissioner of the Gilbert and Ellice Islands as part of a compulsory process, was fixed under the relevant clause by an officer of the Crown, the resident commissioner, in a transaction in which the mining rights were being conferred by the Crown upon the Crown itself. In the shape of the British Phosphate Commission, so that there was a conflict of duty and interest. The royalty was fixed at less than a proper figure, the Banabans claimed, and so the Crown must pay compensation to make up the amount in fact paid by way of royalties to the amount that ought to have been paid. An alternative basis for the claim was that the mining lease was a lease by a fiduciary to itself, which produced the same consequences.

The 1947 transaction consisted of an agreement made by the Banaban landowners with the commissioners for the mining of 291 and 380 acres in return for certain lump sums and a royalty. No direct element of compulsion entered into that, though the compulsory powers still existed and had not been forgotten; but the claim was that the Crown stood in a fiduciary position towards the Banabans, and so the agreement was an agreement between a fiduciary acting by its creatures, the commissioners and the beneficiaries of the fiduciary. The Crown as such fiduciary was therefore, it was claimed, under a duty to make full disclosure to the Banaban landowners, and to see either that they received a full commercial price or that they had competent independent advice.

The Crown failed to discharge that duty, it was said, by failing to reveal that the phosphate was being sold at less than its true value to Australian and New Zealand concerns for manufacture into super phosphates. Substantial benefits were thus being conferred on Australian and New Zealand farmers instead of higher royalties being paid to the Banabans.

Furthermore there had been no disclosure of what sums were being paid by the commissioners to the Gilbert and Ellice Islands in respect of phosphate exports, in lieu of taxation or otherwise; and nothing was done to ensure that the Banabans had proper advice. The royalty payable under the 1947 agreement was far below the proper amount, and so the Banabans were entitled to compensation against the Crown.

The broad constitutional position was that under the Pacific Islands Protection Act, 1875, the British Settlements Act, 1887, the Foreign Jurisdiction Act, 1890, and the Pacific Order in Council, 1893, a high commissioner for the Western Pacific was established, together with a system of courts and other institutions, and provisions as to the law applicable. Article 108 of the Order in Council empowered the high commissioner to make, alter and revoke Queen's regulations for various purposes.

In 1892 the islands in the Gilbert and Ellice groups were proclaimed a British protectorate. On October 2, 1900, after some correspondence between the Pacific Island Co Ltd and the Colonial Office in London, a licence in the name of Queen Victoria and extended by the Secretary of State for the Colonies, was granted to the company, which had applied for a licence on January 4, 1900. The licence granted the company the exclusive rights to occupy Ocean Island for 21 years from January 1, 1901, for the purpose of removing fertilising substances, and to display the British flag in token of the occupation. Thus jurisdiction over Ocean Island was obtained peacefully and without any overt act of conquest or coercion. It became part of the Crown's dominion by virtue of the occupation of the island by the company, and the hoisting of the flag on May 5, 1900, complied with the Crown's licence to the company, and the company became a British settlement under the Foreign Settlements Act. On any footing Ocean Island was part of the Gilbert and Ellice Islands colony from 1916 onwards.

As a colony by settlement, Ocean Island received English law, subject to any relevant customary law; and that was not affected when, in 1916, Ocean Island became a part of the Gilbert and Ellice Islands, a colony by coercion. Article 20 of the Pacific Islands Order in Council, 1893, provided that, subject to the other provisions of the order, civil and

criminal jurisdiction exercisable under the order, "so far as circumstances admit", was to be exercised "upon the principle of and in conformity with the substance of the law for the time being in force in and for England...". That language, it was contended, was wide enough to let in any recognized Banaba law; and that was not seriously disputed.

Royalties conferred by various statutes were necessarily those imposed in respect of minerals which had been extracted under mining rights acquired under the compulsory process and those payable under the agreements whereunder the mining rights were acquired. The Banabans' claim to declarations in respect of "the disputed royalties" and the "disputed payments in the nature of royalties" failed and would be dismissed.

The use of a phrase such as "in trust for", even in a formal document such as a royal warrant, did not necessarily create a trust enforceable by the courts. The term "trust" was one which could properly be used to describe not only relationships which were enforceable by the courts in their equitable jurisdiction, but also other relationships such as the discharge, under the jurisdiction of the Crown, of the duties or functions belonging to the prerogative and the authority of the Crown. Trusts of the former kind, so familiar in Chancery, were described by Lord Selborne in *Kinloch v Secretary of State for India Council* (1882) 7 App Cas 619 as being "trusts in the lower sense"; trusts of the latter kind, so unfamiliar in the division, he called "trusts in the higher sense".

It was clear that the determination whether an instrument had created an enforceable trust or a trust in the higher sense was a matter of construing, looking at the whole instrument in question, its nature and effect, and its context. The language used pointed firmly towards an obligation of government—and not an enforceable trust, and the government was the government of the Gilbert and Ellice Islands colony.

If any fiduciary relationship existed, it must be founded on a trust. The 1931 transaction did not put the Crown, or any officer of the Crown, into any fiduciary position in relation to the Banabans or any of them.

Furthermore, in their context, the provisions of the relevant statute, despite the use of the words "in trust", were far more consonant with a governmental obligation than a trust or fiduciary duty enforceable in the courts. The imposition of a statutory duty to perform certain functions, or the assumption of such a duty, could not, as a general rule, in a fiduciary obligation or even be presumed to impose any. Accordingly, the 1931 transaction did not place the Crown in any fiduciary relationship towards the Banabans, and the indivisibility of the Crown did not mean that an obligation entered into by the government of a colony or other dependent territory could be said to be an obligation of the United Kingdom government, mainly because it was entered into in the name of the Crown. The 1947 transaction provided even less support for the existence of an enforceable trust.

In the result, therefore, the Banabans' claim in the second action failed and would be dismissed.

His Lordship then gave judgment in the first action. He considered first the only claim in respect of something other than mining phosphate, namely, the claim of damages for the alleged wrongful removal of sand and the destruction of the ground.

In their defence the commissioners relied on the sand agreement and on limitation. The sand agreement, made in 1934, stated that in return for certain specified payments the Banabans raised no objection to the removal of sand and shingle from the beach of Ocean Island. No question had arisen on the location of the beach, and it had not been suggested that the sand agreement was not binding. But there was considerable debate on the meaning of "beach", a word which was not a term of art and on which no authorities were cited.

In his Lordship's judgment, all that lay to the landward of high-water mark and was in apparent continuity with the beach at high-water mark would normally form part of the beach. Discontinuity might be shown in a variety of ways: in the way of sand dunes, or a cliff, shrubbery, trees, promenade or roadway, or a dozen other natural or artificial structures or entities which would indicate where one left the beach for something else. But until one reached some such indication the beach continued. From the evidence put before the court and from the view of Ocean Island his Lordship concluded that what could properly be called the beach at one point ran inland until it reached the earth road running in a north-westerly direction, except in so far as any area was occupied by the cemetery. Thus the claim for the wrongful removal of sand and destruction of the cemetery failed in its entirety.

His Lordship next considered the replanting obligations, and the Banabans' claim for their speci-

fic performance or damages in lieu thereof.

His Lordship made it clear that there was not, and never had been, any claim whatever that there was any legal obligation to replant the whole of the island. At its highest, the claim was that at most one-sixth of the island should be replanted.

Clause 12 of an agreement made in 1913 provided that, in the event which happened, "the company shall comply with the following conditions", namely:—(a) That they shall return all worked out land to the original owners, and that they shall replant such land—wherever possible—with coconuts and other food-bearing trees, both in the land already worked out and in those to be worked out.

Deeds were entered into between the company and the individual landowners over a period covering 1913 to 1927. The terms of the last clause of each of the deeds were identical and said that the end of the term, being December 31, 1929, or whenever the land ceased to be used by the company, it should replant the land as nearly as possible to the extent to which it was planted at the date of the commencement of the company's operations with such indigenous trees and shrubs as should be prescribed by the resident commissioner for the time being in Ocean Island and the lands should revert to the landowner or his heirs.

Under both the agreement and the deeds it was the company that entered into the transactions and the claim had been made against the three persons who were British Phosphate commissioners when the writ was issued. That raised the question whether the burden of the company's obligation passed to the commissioners.

When the first commissioners took over from the company the contemporary documents and circumstances made it plain that the commissioners were to take over not only the rights but also the liabilities. When thereafter a new commissioner was appointed, there were no documents to make that plain, but the circumstances were to the same effect. It was an absurd thought that a new commissioner was intended to take over the assets but not the liabilities which the outgoing commissioner, stripped of the assets, was to bear for the rest of his life, and his estate after his death. There was no question of any new commissioner having intended not to accept the benefits but to commit himself to responsibilities instead.

Where there was a terminal liability, such as the obligation of replanting as in the present case, it would be right that the burden should ultimately be borne by the last in the chain of persons liable at the time when the burden accrued. On that footing, the two defendant commissioners, being now in office, were properly subject to the whole of the liability.

Were the Banabans entitled to enforce the obligations? There was no reason why the benefit of the replanting obligations should not run with the land both at law and in equity. The obligations could hardly more clearly touch and concern the land, and the benefit of them must have been intended to run with the land and be enforceable by the owner for the time being. The present owners of the land were therefore the persons entitled to enforce the obligations.

One difficulty mentioned was that there had been no prescription of trees and shrubs by the resident commissioner. The absence of prescription was no bar to the Banabans' success. If specific performance was decreed, the court would, in the continued absence of any proper prescription, make suitable provision for the trees and shrubs to be specified. If damages were awarded instead, probably no such specifications would be needed.

The complexities of specific performance were weighty and discouraging, but by themselves they did not suffice to induce the court to refuse specific performance. At the same time there were considerable advantages in making an award of damages.

In view of the decision in *Wilson v Northampton & Banbury Junction Railway Co* (1874) 9 Ch 413 (279) damages would be perfectly adequate to meet the far more substantial needs of the money in which the Banabans' claims, then of course, they could do so, but that expenditure would be of their own volition and not by order of the court. Thus, leaving aside the cases of part ownership, although the court could decree specific performance in the absence of a proper prescription, it ought not to do so.

In the absence of any special authority on the matter, it should be considered as a matter of principle, and the same rules should be applied for the basis of damages as were applied to the breach of a contract to do work on the land of another, whether to build, repair, replant or anything else.

On the question of quantum of damages, his Lordship thought a further hearing would be necessary, unless the parties agree.

Solicitors: Davies, Brown & Co; Freshfields; Treasury Solicitor.



## Future of the Banabans

*From the Reverend Tebuke Rotan*  
Sir, As spokesman of the Banaban people here in London, it was a sad moment when I read the letter you published from the Gilbertese Chief Minister (February 6).

We do not blame the Gilbertese for our present plight. It is under the British Government that Ocean Island and the Banabans have seen their natural resources extensively exploited with little profit or benefit to themselves. Britain has sovereignty, and any decision in our case must come from Whitehall. We had hoped that the Chief Minister would not want the British Government to evade its responsibility for the past by turning the problem over to the Gilbertese.

I can hardly believe the Chief Minister really thinks we Banabans are Gilbertese. We have vast differences in our cultures. To quote H. E. Maude, Department of Pacific Studies, Australian National University, who lived amongst us and the Gilbertese for 40 years: "Forgotten in Gilbertese tradition, unrecorded in the Gilbertese genealogies, it may be doubted if a single Gilbert Islander was aware of the existence of the Banabans at the time of their first contact with Europeans." On Banaban culture, Maude writes: "Much of their (Banaban) social organization has, however, been recorded and this indicates that the structure was essentially different from that of the Gilbertese..."

The Gilbertese have agreed to the separation of the Ellice Islanders because they are a different people: seeing the evidence I have provided, will the Chief Minister now agree that the Banabans should also decide their own future?

The Chief Minister will agree that there is one custom shared generally in the Pacific Islands: it is contrary to our traditional beliefs for the people of one island to take something that belongs to the people of another.

When Gilbertese and Ellice Islanders agreed to British protection in 1892, Britain ignored Ocean Island and none of the leaders of the 16 Gilbert Islands asked that Ocean Island should be included in their group. Research done by Robert Langdon, a leading writer on Pacific affairs, has shown that after we were persuaded in 1900 to sell our birthright for £50 per year, the Law Officers of the Crown found that Ocean Island "became part of His Majesty's Dominions in consequence of the occupation by the Pacific Islands Company and their hoisting of the flag, together with the British sovereign's licence to occupy it". If we Banabans, unskilled in the ways of the Western world, agreed to licence a commercial company to excavate our lands, we never agreed that our homeland should be included with islands which were strange to us so that when Britain left, sovereignty over us would be handed to others. We were never asked if we wanted to

join the Gilberts, and if the British had asked us we would have refused. But we have had to watch the fruit of our land pay for the administration and running costs of a colony that was Britain's responsibility and of which we never considered ourselves part.

We were told we could not return to our homeland after the war, but we agreed to go to Rabi Island in Fiji and reside there only after the Commonwealth Office had made clear in their 1947 statement of intent that our rights to own, return to and reside on Ocean Island would be maintained. We struggled for survival in our strange, new environment and, to establish projects for our children's future, we borrowed money from an American bank in Fiji, and we are still borrowing money from other banks. All this while Britain's Gilbert and Ellice Colony Government was enjoying the bulk of the dwindling resources of our homeland. This year if we receive Australian \$3 million, they will collect A\$17 million, and their accumulated reserves are already very substantial.

Sometimes, it seemed that the spirit of the Banabans on Rabi was almost broken. But always in our soul there has been a vision. It is a vision of home. It is a vision that has sustained us and encouraged us in our fight to right what we consider to be great wrongs, even if that home on Ocean Island consists, after the phosphate has been excavated, of nothing but sharp-ended rugged pinnacles of coral.

In 1967 we came to London to try and get help. We had discussions with the Commonwealth Office and felt we owed it to ourselves to get the best advice we could. Had it not been for the experts in Fiji and Australia referred to by Mr Ratieta, our efforts might have been in vain. And now in London a great legal battle launched by us over the sharing of the proceeds and other aspects of our case is nearing its climax. It would not be proper for me to comment on that except to say that we could not fight this battle against the British Government without foreign lawyers.

But it should be understood that the question of independence goes much deeper than material matters, it touches on the Banaban soul. What we are now asking for, after all these years of tribulation, is the fundamental human right to control our destiny. We want Ocean Island to become independent in associated status with Fiji amongst whose people we have lived for 30 years. Using Rabi Island as our platform, we want to return once more to our ancestral homeland. We were our own masters before the British came and we must be our own masters again.

Yours faithfully,

TEBUKE ROTAN,

Rabi Council of Leaders,  
Buckingham Court,  
78 Buckingham Gate, SW1.

*The Times 20/2/75.*

# COMMITTED TO THE CAUSE OF BANABA

By  
**NEMANI  
DELAIBATI**



MONUMENT MARKS THE 100TH ANNIVERSARY OF SIR ALBERT ELLIS' ARRIVAL ON OCEAN ISLAND IN MAY 1890. THE BRITISH FLAG WAS FIRST FLOUNDED ON THIS ISLAND IN MAY 1890. THIS PLAQUE WAS UNVEILED ON 2 AUGUST 1990 TO COMMEMORATE THE JUBILEE OF HIS LANDING.

THE report of the November constitutional talks in London is burnt by the Banabans in front of the monument of Sir Albert Ellis who discovered phosphate on Ocean Island. The "white paper" as the Banabans call it was not acceptable to them.

TWENTY BANABAN men working for the British Phosphate Commissioners on Ocean Island will lose their jobs if the management finds evidence to prove that they took part in the petrol bomb attack on mining installations last week.

They would then forfeit the comparatively comfortable flats given by the BPC to them and Gilbertese workers and return to live in squalor with their folks in the Banaban village.

The BPC manager, Mr Ron Elliott told me men would certainly be sacked if they were found to have taken part.

After the Banaban protest march last week the 20 Banaban workers did not go to work and were listed as absent by the management.

Some of the Banaban workers I talked to said they had committed themselves to the cause of their struggle and were prepared to face the consequences.

They have been pressing for recognition that they are the landowners and are entitled not only to a proper share in the riches that have poured out of their tiny island, which has been left looking like a desolate moonscape, but also

to have the freedom to run the island.

To them money is of secondary importance. This is the reason that the Banabans are prepared to live in miserable conditions, hoping that eventually they will once again rule Banaba as their ancestors did until 1900.

Many do not know what the future holds for them, especially after the whole island is mined out. Perhaps their leaders have got something planned which they have not yet revealed.

Hopes are floating around the Banaban camp that when the BPC winds up its operations in November the Banabans will occupy the empty houses and flats.

The Banabans hope to take over the mine, form a Banaban Government and make a unilateral declaration of independence of Banaba.

But how they will do it is the big question.

One councillor said: "Don't worry, we'll manage."

The leaders were not prepared to disclose any details of their plans.

The Banabans considered the outcome of their petrol bomb attacks on mining equipment and installations last week as a great moral victory in their latest efforts to per-

## Where, when and how?

Everything you need to know about Qantas 747B schedules from Fiji to Sydney then to Singapore and Bombay.

**QANTASTIC**

FROM NADI		FROM SYDNEY	
To Sydney	DEPARTS	To Singapore	DEPARTS
Tues.	6.05pm	Daily	4.30pm
Wed.	4.35pm	plus Tues.	11.40am
Sat.	4.35pm	plus Tues.	
Sun.	4.35pm	Thurs. Fri. Sat.	1.45pm
		To Bombay	
		Wed. Fri. Sun.	2.45pm

**QANTAS**

Letter in London Times of 11th February, 1977.

THE BANABANS.

From Mr. Jeremy Thorpe, M.P. for North Devon (Liberal) and Mr. Emlyn Hooson Q.C., M.P. for Montgomeryshire (Liberal),

Sir, You are entirely right in saying that the British Government should make a generous payment to the Banabans.

To its credit, the British Government has accepted responsibility. Lord Goronwy-Roberts told the House of Lords on January 24 1977 "There is no question of the Government evading its responsibilities...I am anxious that it should pay its full part - indeed perhaps more than its full part - in rectifying as far as possible with others concerned the enormities of past colonial policy".

It is true that the mistakes of the past cannot be wiped out. Ocean Island can never be rehabilitated. In the recent litigation it became clear that it would cost at least 30 million Australian dollars partially to restore one-sixth of the island. But a prompt and fair money settlement can do much for the Banabans.

Clearly it is for the United Kingdom Government to act. The gross breaches of duty identified by the Judge were breaches of duty of the Colonial Government for which Britain is directly responsible. The fact that Australia and New Zealand have received considerable economic benefit is a reason why they as well should share in the discharge of this responsibility.

The British, Australian and New Zealand Governments retain 21 million dollars in the reserves of the British Phosphate Commissioners. In 1975 the Governments were prepared to use some of this money to settle the litigation. It still offers an honourable way out. The 21 million dollars should be paid to the Banabans at once without strings as some reparation for past wrongs.

Any prevarication by the British Government will not be acceptable to public or parliamentary opinion. It will compel the Banabans to turn to the Court of Appeal as the only hope of impressing on the British Government that their duties are enforceable in the courts. Such a judgment would come as no surprise. The only issue now is whether the Banabans will be compelled to ask the Court of Appeal to seek legal grounds on which unquestioned moral obligations of HMG might be legally enforceable, or whether the Government, who have indicated from the beginning that they intend to discharge those obligations, will make a sufficiently generous ex gratia settlement. In so doing they would spare the Banabans further worry and expense, and themselves the odium of appearing to act in a mean and defensive way.

We etc.

JEREMY THORPE.

EMLYN HOOSON.

House of Commons.

# RABI COUNCIL, COMPANY QUERIED

The newly formed Banaban Community Association has called for a complete investigation into the Rabi Island Council's affairs dating back to 1946.

And the Registrar of Companies is starting proceedings against Rabi Holdings for failing to produce its 1975-76 accounts in time.

The new association says it wants a thorough look in particular into the council's affairs during the years 1969 to 1973, when it says the accounts were not audited.

During a meeting with some of the committee members of the Banaban Community Association, including their chairman, Mr Henry Spring, a Fiji Times reporter was told that not only had the Rabi Island Council's accounts not been audited during 1969 to 1973, but no records had been kept during this period and documents were missing.

Among the missing documents were three

## Community group wants probe of island affairs

cheque books each containing 200 cheque leaves.

Further, the association says that when Rabi Island Council was audited in 1974 by Suva accountant, Mr Girdhar Lal, he did not certify that everything was in proper order.

Mr Lal yesterday refused

to comment on this statement.

Rabi Island Council is composed of eight councillors who are elected by the Banaban people at three-yearly intervals.

The chairman throughout the 1969 to 1973 period was Mr Tito Rotan.

The council controls the trust fund which now totals approximately \$15 million. This is the revenue from the phosphate being mined on Ocean Island.

The administration and distribution of this is in the hands of the Rabi Island

Council Minister, according to the Banaban Community Association, has never accounted to the people for what they do with the money.

They claim that the Banabans have been kept "ignorant" of the distribution of the phosphate revenue.

The Banaban Community Association has retained Suva lawyer Mr Peter Knight to look into Rabi Holdings on their behalf.

They have asked Mr Knight to look into Rabi Holdings' annual reports which have not been distributed to shareholders dating back to 1970 and into the company's accounts over the same period.

The association, which was formed in November last year, says its aims are to foster and promote the general welfare of its members and to safeguard and protect the members' interests.

The group is open to all Banabans and has about 200 members in Suva and Rabi.

## VOICE FOR BANABANS

The Rabi Island Council will be able to appoint one special member to the new Gilbert Islands House of Assembly, according to a Gilbertese Government statement.

And, like all other islands in

the Gilbert group Banaba, formerly called Ocean Island, will be a separate constituency electing its own Member of Parliament.

Constitutional changes have been made in preparation for a general election the Gilberts will hold on February 1.

The former House of Assembly

was dissolved on December 21.

Every inhabited island will be a single constituency for the first time, the statement says.

The new assembly will have 35 members elected by 23 constituencies.

Constitutional provision has

been made for the appointment of a Rabi Council member.

After the election MPs will meet in Tarawa to decide whether a chief minister should be elected by themselves or by a national election.

A new government is expected to be in office by mid-March.

By BEACHCOMBERS

FLOTSAM & JETSAM

MISFORTUNES never come singly...

A chap we know had his home broken into and all his shirts, among other things, stolen. Which was all most annoying, he said, because it was going to take a lot of time, trouble and expense to replace even one or two in Fiji.

But then to add insult to injury, when he finally managed to find a couple of shirts not decorated by gaudy floral designs, little arrows, scrolls or curlicues, he returned to his car only to find he had been given a ticket for overstaying on a parking meter for about five minutes. Another \$2.

\*\*\*

FOR the first time, the kiss may soon become a feature of Indian films.

Although there has been no formal ban on the cinematic clinch, Indian censors rarely have allowed it in local productions.

But yesterday, Information Minister Lal Advani, said on-screen kisses would be permitted if the situation called for them — and provided they were not obscene or vulgar.

Kisses are allowed in foreign films shown in India.

\*\*\*

TRAVELLERS leaving Tonga on international flights must now pay a \$2.50 departure tax at the airport, the Tonga Chronicle reports.

P70

New low fares... MILITARY HISTORY ON SHOW

few Banaban group 'a minority'

# BOSS REPLIES ON RABI HOLDINGS

Fiji Times  
13/11/78

**Sugar crush second best on record**

Fiji Sugar Corporation mills had made 362,375 tonnes of sugar from 2,674,162 tonnes of cane by the time the harvesting and crushing of the 1977 cane crop finished on Tuesday.

This was the second highest production in Fiji's history the FSC said in issuing its production figures yesterday.

The industry's best year was 399,910 tonnes made in 1968.

Of the four FSC mills, Lautoka crushed 1,045,277 tonnes for 145,483 tonnes of sugar; Rarawai, the last of which, 824,913 tonnes of cane for 111,920 tonnes of sugar; Labasa 605,946 tonnes of cane for 78,685 tonnes of sugar; and Penang 198,026 tonnes of cane for 26,287 tonnes of sugar.

Rarawai mill's output put it bet the previous 105,948 tonnes record it set itself in 1968.

Labasa mill broke a 1970 record of 68,389 tonnes and Penang had its best year since 1971.

Lautoka mill broke a 1970 record and in using only 1.18 tonnes of cane to make a tonne of sugar dealt with the best cane processed by it since 1966.

The deputy manager of the Fiji Sugar Marketing Corporation, Mr John May, said this year's output had enabled Fiji to fill all its sugar supply contracts.

These were with the European Common Market, New Zealand, Malaysia and Singapore.

The managing director of Rabi Holdings, Mr Tekoti Rotan, says the newly formed Banaban Community Association is "a small minority," motivated probably by political considerations.

"It is deplorable that this group should try to undermine Rabi Holdings at a time when it has major expansion plans under way to benefit the Banabans," Mr Rotan said.

Mr Rotan was replying to allegations by the association that the affairs of Rabi Holdings were not in order.

It was true that the 1975-76 accounts had been delayed, but he expected that they would be complete by next month, Mr Rotan said.

The company had strengthened its accounting division to help to avoid similar situations in the future.

He denied that annual reports had not been



distributed to shareholders.

It was the practice to meet soon after the end of each year regardless of whether the auditor's report was complete.

"I doubt whether the critics have attended any of these meetings, nor have they made any complaints to me personally," he said.

Lack of commercial knowledge and expertise had been one of Rabi Holdings' main problems, but many

Banabans had now acquired a degree of commercial know-how.

Rabi Holdings intended to publish a bi-monthly newsletter to keep the Banabans better informed of the company's activities.

It was building a \$1 million commercial centre in Rabi Island and work was due to start soon on an airstrip.

The Banaban Community Association has retained a Suva lawyer, Mr Peter Knight, to look into Rabi Holdings' annual reports — which it says have not been distributed to shareholders — dating back to 1970, and into the company's accounts for the same period.

The Registrar of Companies is proceeding against Rabi Holdings for failing to produce its 1975-76 accounts in time.

The association has called also for a complete investigation of Rabi Island Council's affairs, dating back to 1946.

## Ratepayers clear \$511,000

Suva City Council has collected more than \$500,000 in overdue rates since it began its campaign against defaulters in November.

The city's chief administrator, Mr Bill

Cruickshank, said that at the end of October ratepayers owed the city \$1,038,595 in overdue rates.

By the end of December, ratepayers had paid off

\$511,712 of the overdue rates.

The council expected to collect \$2,582,387.85 in rates this year. If all the arrears came in from previous years, the figure would exceed \$3,125,000.

**Ministry rejects council move on zoning**

The Ministry of Commerce and Industry has rejected an application by Ba Town Council to re-zone as residential an industrial sub-division which has been lying idle for five years.

The subdivision at Tauvegavega on the outskirts of Ba town was set up in 1972 to attract small industries to the predominantly agricultural district.

The council feels that because the lots in the subdivision have remained vacant in its five years of existence, it should be re-zoned to residential to ease the growing demand for prime residential land in Ba.

The Ba Town Clerk, Mr Rajendra Prasad, said yesterday that the ministry had rejected a second application from the council for the rezoning.

He said the first application was also rejected last year, but added that the council would keep on pursuing the matter.

He said there were about 20 lots in the subdivision, all on gently undulating land offering a grand view of the town and surrounding areas, and many people were keen to build houses on it.

Wide tarsealed roads on the subdivision are almost as when first constructed but the land itself is at places overgrown with weeds and grass.

A senior official of the ministry declined to comment when contacted yesterday.



# Rabi leaders also call for inquiry

Rabi Council of Leaders will ask the Government to appoint a commission of inquiry to study council affairs and administration of Rabi Island.

The council secretary, Mr Thomas Teai said that the council was aware of defects in its operations and in the way the island was administered.

Councillors had approved a resolution calling for a commission of inquiry and a formal request would be made to the Government for the appointment of a commissioner.

"We hope a commission will make recommendations on how things can be improved," Mr Teai said.

"Rabi Council has nothing to hide."

He was answering allegations by the Banaban Community Association about unaudited accounts, lack of

## 'Nothing to hide'

records and missing documents.

He said it was irresponsible of the community association to make sweeping public claims without first officially approaching the council.

Mr Teai said accounts had not been audited between 1969 and 1973, but this did not indicate any deliberate wrongdoing.

"It is actually a reflection of the administrative problems we have faced," he said.

The accounts position had been improved in recent years and he hoped it would be possible to publish proper ac-

counts this year.

He explained that some documents were probably misplaced when Rabi Holdings — the Banabans' commercial organisation — took over certain council functions in 1970.

The association claimed also that the Banabans were not told about the distribution of revenue from Ocean Island phosphates.

Mr Teai said there was no \$15 million trust fund. Phosphate revenue was expended as it was received and was allocated to development on Rabi, share capital in Rabi Holdings, housing assistance, political activities, and bonus and annuity payments to landowners.

"It is untrue to suggest that the people do not know how the money is spent. The distribution of our income is decided by the people every year at a special meeting," Mr Teai said.

# PENSIONERS SEEK PAY ADJUSTMENTS

The Fiji Pensioners' Association says its members are concerned that they received no benefit from a recent 10 per cent pay rise to civil servants and 16½ per cent rise to Members of Parliament.

The vice-president of the association, Mr C S Pillay, said yesterday that ex-servicemen, retired civil servants and dependents of deceased civil servants had been led to believe that when civil servants got a pay rise there would be corresponding adjustments to their pensions.

Mr Pillay said the association had written to the Ministry of Finance following the recent rises to civil servants and MPs but the reply was most disappointing and vague.

He said it implied that pensioners were eligible only for the quarterly cost of living allowance adjustments based on

the movements of the consumer price index.

He said that the Ministry had conceded in its reply that the increase to the civil service was governed by the rise in the cost of living.

"This is exactly what the association submits as its ground for a request of a similar increase, irrespective of the normal increases resulting from the

quarterly consumer price index figure," Mr Pillay said.

Mr Pillay said the association was now preparing detailed submissions to be made to the Prime Minister.

The management committee would discuss the submissions later this month and an audience with the Prime Minister would be sought.

## Minister hits at council

The Minister for Commerce and Industry, Mr Mohammed Ramazan, says Ba Town Council has only itself to blame for the Government's rejection of moves to re-zone an individual area there.

Mr Ramazan was replying to criticisms by Ba Town Council following rejection of the council's application to re-zone as residential an industrial subdivision on the outskirts of the town.

The subdivision, at Tauvegevega, was established

"The subdivision was developed in the first place because there was a need for industrial areas in the district. A lot of money has been invested to develop the area," the minister said.

"The reason why industrialists have not moved into the subdivision is because Ba Town Council has permitted them to continue operations in the town area," he added.

"The Ba town planning scheme contains considerable

## Prisoner hurt himself — witness

A salesman who suffered a cut lip while in police custody received it when he tripped and fell against a table, a defence witness told Suva Court on Friday.

The witness, Esala Rakubuta, a newspaper delivery man, was giving evidence for Police Constable Isireli Kanume.

Kanume is charged with assaulting the salesman, Satya Prakash, 21, 1/0 Saba Dec, in the crime office of the Central Police Station and causing him actual bodily harm.

He has denied the charge. Prakash told the court earlier that Kanume became angry while questioning him as a suspect in two criminal cases and punched him once in the mouth.

Kanume said Prakash was drunk and staggering when he arrested him early on October 20 and he must have tripped and hurt himself.

Rakubuta said he was in the crime office at the time.

He said he saw Prakash stagger and bump the door as

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# Rabi may <sup>March</sup> change election system

Cabinet has agreed to put draft legislation to Parliament for a new method of electing the Rabi Island Council.

The Prime Minister, Ratu Sir Kamisese Mara, told a news conference the Rabi people wanted to change the present arrangements.

They wanted guaranteed representation for each village but for all the electors of Rabi to make the choice, having eight votes each.

This legislation would require a two-thirds vote in the House of Representatives.

Other points from Tuesday's Cabinet meeting:

● Japan will send an expert to Fiji within two to three months to see whether it is worth researching the ambrosia-beetle, to which about 25,000 acres of mahogany in Fiji are vulnerable.

● New Zealand will be invited to send an expert, Dr Ian Cave, to an informal workshop in April on alternative energy sources.

The workshop will deal with such sources as electric power from wood-fuelled steam turbines for outer islands, lump charcoal for domestic cooking, wood burners and wood-burning stoves.

Mr Cave has built a wood burner about the size of a ginger case which could be adapted for tropical villages.

● Cabinet has agreed on members of the financial review committee to study Fiji's taxation. The names will be released later but Ratu Sir Kamisese said they included

people from a broad spectrum of Government, accountants, businessmen, trade unionists, agriculturists, cooperative people, farmers and consumers.

● Cabinet has approved an \$800,000 loan from the Fiji National Provident Fund to the Housing Authority.

● Cabinet has called for a full report on co-operative grants after being "a bit worried about the perhaps over generous way in which direct grants were made to societies."

● Fiji will apply to join an international group co-ordinating tidal wave information and warnings.

# THE CHIEF MINISTER AND MINISTERS



The Hon. Ieremia  
Tabai - Chief  
Minister.



The Hon. Tiwau  
Awira - Minister of  
Finance.



The Hon. Teatao  
Tsennaki - Minister  
of Education,  
Training and  
Culture.



The Hon. Babera  
Kirata - Minister of  
Health and Community  
Affairs.



The Hon. Ieremia Tata  
- Minister of Works  
and Utilities.



The Hon. Abete  
Merang - Minister of  
Labour and Manpower.



The Hon. Taomati Iuta  
- Minister of Natural  
Resources Development



The Hon. Roniti  
Teiwaki - Minister  
of Trade and Com-  
munications.



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## NEW CM FORMED HIS NEW CABINET

THE FORMER Leader of the Opposition, Mr Ieremia Tabai, had an overwhelming victory over his other three opponents at the National Election for the office of Chief Minister held last week-end.

Mr Tabai had a clear majority with 8,782 votes. Mr Roniti Teiwaki came second at 3,897 votes, third was Mr Babera Kirata with 1,844 votes and fourth was Mr Taomati Iuta with 1,270 votes.

Mr Tabai was voted into his new office at a very interesting period of time. The country is moving towards independence and the Gilbertese people are looking towards Mr Tabai to take us there as fast as we can.

The new Chief Minister fully realised his new role and because he commanded the confidence of the people he is sure not to disappoint them.

In his "thank you" message to the nation over Radio Tarawa, he re-affirmed his beliefs and said, "All that I believe in, but without the power to fulfil them, are now to be accomplished. You



The new Chief Minister..... his first day in office.

have given me the power to do so. However, you must bare with me and have patience because not all can be achieved straight away. Some will take time, but believe me, I will carry out what I have said I will".

Mr Tabai does not believe in the Defence Force but believed in the freedom of the Press. He

does not believe in fragmentation but believes in the integrity of the country..

He has now formed his cabinet but has not (at the time of going to press) allocated portfolios yet. His ministers are Mr Babera Kirata (Ontoa) formerly Secretary for Finance; Mr Taomati Iuta (Beru) formerly Mananging Director of Atoll

Products; Mr Abete Merang (Tarawa Urban) formerly a member of the Opposition; Mr Tiwau Awira (Nikunau) formerly Accountant of the Supply (Division); Mr Ieremia Tata (Butaritari) formerly BKATM Union Organiser; Mr Roniti Teiwaki (Betio) formerly Minister of Finance and Mr Teatao Teamaki (Abaiang) formerly Minister of State.

# Big changes in Rabi Council

Fiji Times  
19/5/78

The Banaban Community Association has scored a sweeping victory in the Rabi Council of Leaders elections, ousting the old council backing the Rotan family.

The Rev Tebuke Rotan, the manager for the old council, was ousted by the Rev Tebaiti Tawaka, who is tipped to become the new chairman of the council.

The chairman of the Banaban Community Association, Mr Henry Spring, said yesterday that Mr Tawaka had resigned from the church ministry to serve the Banaban community full-time.

Mr Tawaka was the most successful candidate, gaining most votes with about 450 defeating the strongest Rotan candidate in Tebuke Rotan by about 200 votes.

The former chairman of the Council of Leaders, Mr Rotan Tite, was not a candidate.

Rabi sources said the election result was a massive vote

against the old Rabi leaders by Banabans dissatisfied with the way their affairs had been run.

The eight successful candidates were seven committee members of the Banaban Community Association and one independent.

Two of them were members of the old council.

The new council, elected by overall vote but representing four different village areas, is:

Tabwena village: Mr Tutara Tawaka, Mr Itintarawa Kanata. Uma village: Mr Bwenawa Urian, Mr Kaitanbare Kaburoro. Tabiang: Mr Kabure Kaibati; Mr Tekae Tabuariki. Buakanikai: Mr Tebaiti Tawaka, Mr Teikabua Teaoi.

Mr Spring, who was in Rabi for the election, said there was a large turnout of voters.

Voting was from May 12 to 17 and the count started on Wednesday night.

Meanwhile, new general manager, Mr Henry Bing, has been appointed to run the Rabi business company, Rabi Holdings.

# Rabi shareholders endorse sacking

Fiji Times  
16/5/78

Rabi Holding Ltd shareholders yesterday ratified the board's dismissal of Mr Tekoti Rotan as the company's managing director at an extraordinary general meeting held at Rabi Island.

A spokesman for Rabi Holdings board of directors, Mr Edward Powell, said that at the meeting the shareholders were told of the actions of the directors in terminating Mr Rotan's employment.

The meeting resolved to ratify the action of the directors in dismissing Mr Rotan, to ask Mr Rotan to vacate his office as director, and to terminate Mr Rotan's tenure of office as managing director.

Mr Rotan was represented by Mr Mike Benefield of Munro Leys.

Mr Powell said the directors of Rabi Holdings were continuing to run the company as well as could be expected in the circumstances.

# Rabi losses blamed on shareholders

Losses by Rabi Holdings had been caused by policies the shareholders imposed on the management, Mr Tekoti Rotan, said yesterday.

Mr Rotan was dismissed last week as managing director of Rabi Holdings. He has filed a Supreme Court writ against the other four directors, claiming wrongful dismissal.

"The company has fulfilled its obligations to provide jobs for our people but it has sometimes faced difficulties stemming from lack of commercial experience among the Banabans," he said.

He referred to allegations that Rabi Holdings had lost \$3 million.

There were no audited accounts to support this claim, he said.

"It is true, however, that there have been losses but these are not related to the company's trading activities."

The losses were mainly inter-company debts, most of which had been written off, he said.

Losses had also been caused by policies imposed on the management by the shareholders.

He said the company had had persisting difficulties in getting suitable accounting staff.

Because of the Banabans' lack of commercial experience, it was an unfortunate fact that today more non-Banabans were employed in the Rabi group of companies than Banabans.

Referring to a call by a Rabi Council of Leaders election candidate, the Rev Tebaiti Tawaka, for a change in the management of Rabi Holdings, he said the shareholders had the right to change the company's management but such changes should be brought about through the correct procedures.

The directors of Rabi Holdings Ltd have called an extraordinary general meeting at Rabi Island on May 15 to ratify the board's dismissal of Tekoti Rotan as the company's managing director.

In a newspaper advertisement published on Saturday, the board says the meeting will be at Tabwe village at 10am.

The directors say they will inform members of their actions in terminating the employment of Mr Rotan, whom they dismissed last week.

The agenda lists two motions for discussion and approval.

One seeks the shareholders' approval that Mr Rotan "be requested to vacate his office as director."

The other seeks their approval to terminate his appointment as managing director.

## Banabans called to Rabi meeting

## Row over Rabi Council of Leaders

Members of the dissolved Rabi Council of Leaders still are acting as a duly elected council, according to the Banaban Community Association.

A spokesman for the association, which represents Banaban living in Rabi Island, said that a group of former councillors travelled to Suva at the weekend supposedly on council business, and were claiming their expenses from the council.

The spokesman, Mr Henry Spring, who is chairman of the association in Suva Branch, said he received a call from the Rabi branch yesterday saying the group had left Rabi on Friday night without consulting anyone.

They had stayed at the Savusavu Travelodge on Friday night and were due to book into the Grand Pacific Hotel yesterday, he said.

The Rabi Council of Leaders was dissolved in December last year and a new election is to be held before the end of June.

The delay in new elections was because Parliament had first to approve amendments to the Banaban Election Ordinance.

Mr Spring said it was agreed at a general meeting in Rabi in January that the administration work of the council be carried on by Mr Tebuke Rotan, but any important issues were to be referred to a general meeting.

However, the old councillors gradually had re-assumed power and made decisions without calling a general meeting.

On April 21 the councillors met at Mr Rotan's house in Rabi and the chairman of the association's Rabi branch, Mr Itintarawa Kamata, led a march to the house and declared that the meeting was invalid.

It was agreed again that any business would be referred to a general meeting, Mr Spring said.

MONDAY, MAY 1, 1978

# Banabans ask for Aust help

## BRITISH OFFER IS 'PITIFULLY SMALL'

From  
Fiji Times correspondent  
CHRIS MILNE  
in London

The Banabans from Ocean Island plan to seek more generous compensation from Australia for phosphate mined on their former homeland.

And they will seek money and expert assistance from Australia and New Zealand in restoring the island.

They will be backed by "Justice For The Banabans," a new organisation formed in London to back their demands. The islanders had announced they will accept an offer of 6.25 million pounds (about \$F10 million) from the British Government.

But they will fight a "paternalistic" British Government condition that only interest, not the capital, be paid to the islanders.

The "Justice" group — with Tory MP Sir Bernard Braine as chairman — will wage "a vigorous campaign" on behalf of the Banabans.

Sir Bernard said the Banabans want their island homeland back, and they want to restore it as far as they can.

"The Government's reluctant offer is a pitifully small fraction of benefits obtained from Banaban phosphate by Britain, Australia and New Zealand.

Last year, after the longest action in the history of the British High Court, the Banabans won their case against the British Phosphate Commissioners over failure to restore the ravaged island.

However damages of only about \$14,400 were awarded.

Under political pressure, the phosphate commissioners offered about \$1.25 million.

Subsequently, the British Government offered to set up a trust fund with \$10 million, producing an annual "pension" payment to the Banabans, who live on Rabi Island.

This week the islanders announced in London they would accept the offer, provided the capital was under Banaban control.

"Justice" campaign leaders said the sad story of the Banabans had begun with the discovery of rich phosphate deposits on their island.

"The Banabans were tricked into signing agreements they did not understand," campaign secretary Mr George Knapp said.

For 75 years, their island has been ravaged by phosphate mining which had subsidised Australian and New Zealand farmers to a total amount of \$275 million dollars on current purchasing power.

Next year phosphate mining was due to finish, leaving the island derelict and bereft of

the tropical fruits which had once flourished there.

The island had been captured by the Japanese during World War II, and the islanders sent to labour camps.

After the war, the 700 survivors had been "unceremoniously dumped" on Rabi Island by British.

Mr Knapp said the "Justice for the Banabans" campaign was aimed at achieving self-determination for the Banabans.

The islanders would remain associated with Fiji.

The campaign would also support the islanders' claim for control of the \$10 million trust fund.

And it would try to persuade the Australian and New Zealand governments to offer more generous compensation and expert help in restoring Ocean Island.

Although many Banabans would remain on Rabi Island, they wanted to establish a small community, on Ocean Island and rebuild "the land of their ancestors."

Fiji Times 8/5/78  
classified ad

### PUBLIC NOTICE

RABI HOLDINGS LIMITED NOTICE is hereby given that an Extraordinary General Meeting of Rabi Holdings Limited will be held at Tabweva Village, Rabi Island at 10.00am on Monday, 15th day of May, 1978, and that the following business will be transacted therein:

#### AGENDA:

- 1 To inform members of the actions of the Directors in the matter of the termination of the employment of Tekoti Rotan.
- 2 To ratify the actions of the Directors.
- 3 To pass an ordinary resolution that Tekoti Rotan be requested to vacate his office as Director.
- 4 To pass an ordinary resolution that Tekoti Rotan's tenure of office as Managing Director be determined.

NOTE: On a show of hands every member present shall have one vote. A member may vote in person or by appointing another member by proxy to vote on his or her behalf. The form of proxy is contained in Article 65 of the Articles of Association and the properly signed instrument appointing a proxy shall be deposited at the registered office of the company not less than 48 hours before the time for holding the meeting or adjourned meeting.

Chairman,  
BOARD OF DIRECTORS.

# RABI COUNCIL HAS ROLE OF CARETAKER

Fiji Times  
2/5/78

The Rabi Council of Leaders is functioning as a caretaker organisation until new members are elected, according to its manager, Reverend Tebuke Rotan.

The council's three-year term ended last December and an election of new members is due to be held on May 12, 13, 14, and 15.

An amendment to Banaban legislation is the reason for the electoral delay.

Mr. Rotan said the council has held meetings in the four Rabi Island villages to explain the position and there were no objections from those present.

"The council then held a

second round of village meetings at Rabi to explain these discussions and, once again, there were no objections to its caretaker role," Mr. Rotan said.

"Members of the Banaban Community Association were again present and raised no ob-

jections to the council's caretaker activities."

Mr. Rotan said council members emphasised that if the Banaban Community Association was dissatisfied with their work, it could take its objections to the highest Fiji Government level.

Fiji Times  
4/5/78

## Rabi Holdings sackings hit Home Enterprises

Home Enterprises Ltd, a subsidiary of the Rabi Group of companies, has attacked the action of Rabi Holdings Ltd in dismissing its managing director and group general manager.

Home Enterprises also says that the action by Rabi Holdings has resulted in its bank account being frozen and it would hold Rabi Holdings responsible for any resultant loss.

Following a meeting in

Suva yesterday the chairman and directors of Home Enterprises sent a letter to the directors of Rabi Holdings protesting their action in "attempting to remove" Mr Tekoti Rotan as managing director and "attempting to terminate" the appointment of Mr Boyan Crampton as managing director.

The letter also accused Rabi Holdings of unilateral interference in the financial affairs of Home Enterprises for allegedly trying to change the authorised signatories of Home Enterprises account at

Barclays Bank in Suva.

As a result the account had been "frozen," causing grave difficulties to the company's operations.

Home Enterprises operates a tea-packing business, as well as being a copra trader.

The letter to Rabi Holdings was signed by the chairman, Rebo Terubea, and three directors, Buratake Tuateira, Taraanuea Abetai and Kition Kamata.

The manager of Home Enterprises, Mr Inia Vukialau, could not be reached for further comment yesterday.

Fiji Times 5/5/78

# COMPANY LOSSES WORRY BANABANS

Banabans of Rabi Island were worried about Rabi Holdings after reports of its losing \$3 million, a Rabi election candidate, the Rev. Tebaiti Tawaka, said yesterday.

"I think the feeling of the majority of people in Rabi is that there should be a change in the

leadership of Rabi Holdings," he said.

People in Rabi knew nothing of losses by Rabi Holdings until hearing reports late last month.

News of the losses was causing deep concern because the people of Rabi were looking to the company to provide them with jobs and

income when the revenue from the Ocean Island phosphates dried up.

There was a history of bankruptcies and failures among business ventures in Rabi and the people feared a similar end might befall Rabi Holdings.

Mr Tawaka said the Banaban people needed to have confidence

in their leaders.

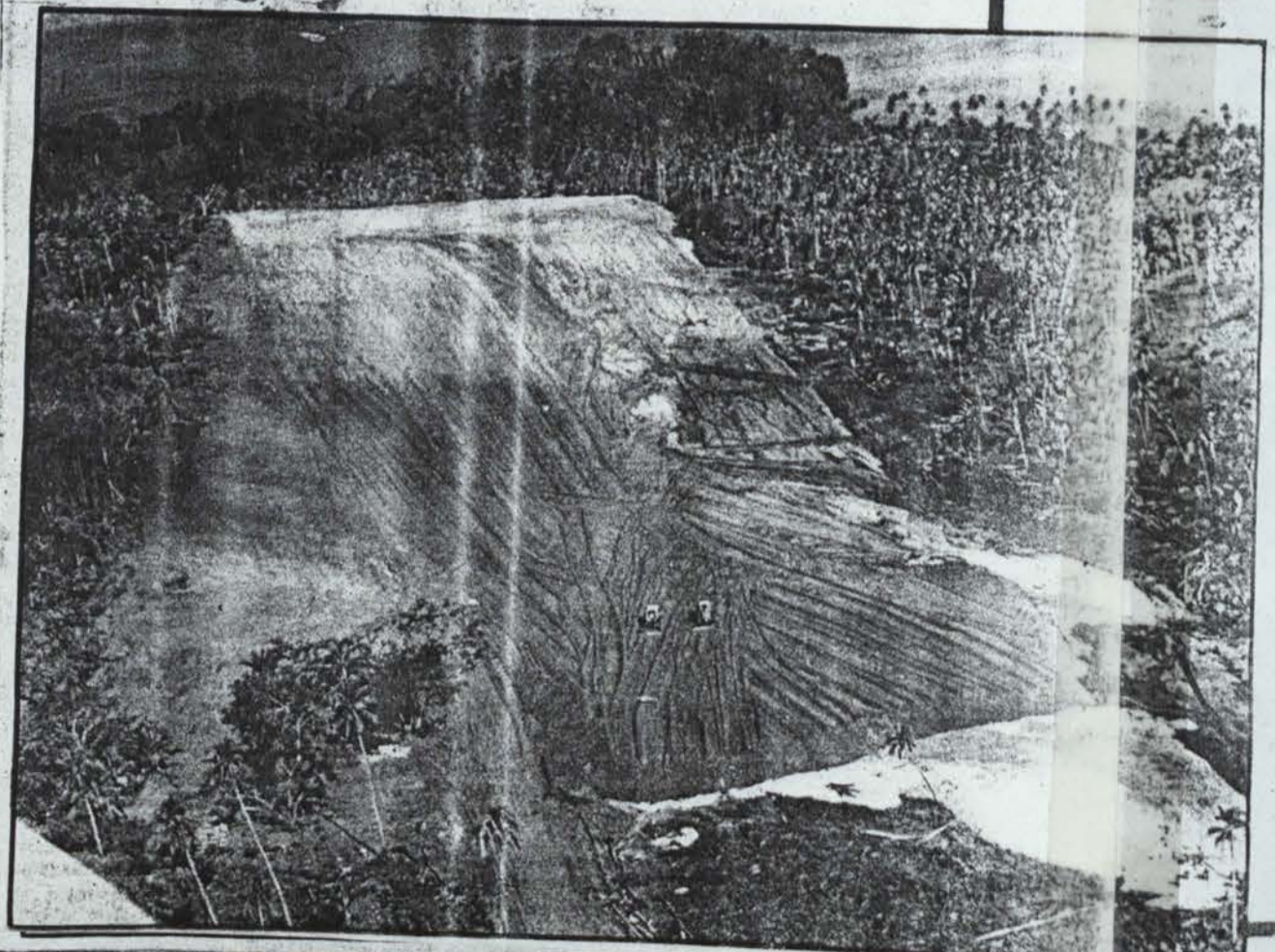
"They want to be led in a proper way that suits the Banaban people," he said.

Mr Tawaka is among candidates now contesting elections for the Rabi Council of Leaders.

He said there had been vigorous campaigning.

## Airstrip takes shape in Rabi

Next to the Rabi Island AT Tabiaki Rabi Island work is in progress on a 2100ft airstrip for Rabi Holdings Ltd. The project is expected to be complete by the end of June. Fiji Air plans to operate chartered flights to the island. Picture By Nitin Lal, of the Fiji Visitors Bureau.



Fiji Times 25/9/78



TESE leader Jeremaia Tabai, in a mood in his Suva hotel room.

# Fiji 'not involved' in dispute

Fiji agreed that the Ocean Island dispute was an internal matter between the Banabans and Gilbertese Government, the Chief Minister of the Gilberts, Mr Jeremaia Tabai, said in Suva.

He sees no reason why the two countries should quarrel over the demand by the Banabans, who are Fiji citizens, for Ocean Island's independence.

Nor does he know if the Banabans, who own the island, can carry out their threat to block independence for his country if they fail to get their wish met, but he thinks it unlikely.

Mr Tabai, who became Chief

By **ROBERT KEITH-REID**

Minister two months ago at the age of 29, attended the Forum meeting in Niue last week and on his way home this week visited Rabi Island, the Fiji home of the Banabans.

He discussed Ocean Island with the Prime Minister, Ratu Sir Kamisese Mara, who at times has acted as an intermediary between the Banabans and Gilbertese.

"He said he has been blamed for interfering in the internal affairs of the Gilbert Islands," Mr Tabai said.

"He said that the Banaban issue was an internal matter between the Gilberts and Banabans.

"I was very happy with the Prime Minister because I think we all feel that way."

Mr Tabai went to Rabi last weekend. He said he had not been expected but was "very pleased" with his reception there.

On Tuesday this week, however, the Rabi Council had told him in Suva that they would try to block a bill which the British House of Commons had to pass to give the Gilberts independence.

They had also said they would refuse to attend talks with the British Phosphate Commission to discuss plans for disposing of Ocean Island's phosphate mining equipment when phosphate ran out.

They had later said they might change their mind about this.

Mr Tabai said no Gilbertese government would accept the separation of Ocean Island.

"It is a question of national integrity," he said. He did not know if the Banabans had the power to delay independence, which was expected to come in mid-1979.

"All I can say is that they can make life more difficult for the Gilbertese and the UK," he said.

Britain had assured his people that there would be no delay.

If the Banabans did succeed, reaction from the Gilbertese would be "very bad."

# Banabans after guarantees

Fiji Times 26/6/78

The Banaban people are demanding 50 per cent of phosphate proceeds from Ocean Island.

The chairman of the Rabi Council of Leaders, the Rev Tebaiti Tawaka, said this yesterday after talks in Tarawa with the Gilbertese Government.

He said the Banabans were prepared to temporarily suspend their insistence on independence for their homeland, Ocean Island, if the Gilbertese Government meet certain conditions.

These included: a 50/50 division of phosphate proceeds; amendments to legislation in marine and land resources to give protection to the Banabans; financial support from British in the form of guarantees and grants for the Rabi Council.

If the conditions were met it would enable the Gilberts to move smoothly into independence, he said.

But if the conditions were not agreed to the Banabans would keep up the pressure for separation of Ocean Island, thus creating a major obstacle to Gilbertese self-determination.

He said phosphate deposits on Ocean Island were due to expire in 1979.

The Banabans and the Gilbertese had, therefore, decided to establish a joint committee to negotiate with the British Phosphate Commissioners on the winding down of mining operations, and disposal of the commission's assets.

# Sacked boss files writ for damages

Fiji Times 25/4/78

Mr Tekoti Rotan, who was dismissed on Monday as managing director of Rabi Holdings Ltd, said yesterday he was wrongly removed from office by the other four directors.

He has filed a Supreme Court writ against the four seeking unspecified damages and a declaration that the action of the four directors and

the company secretary was invalid.

He is also seeking an injunction restraining the four directors and the secretary from interfering in his work.

The court is due to consider the injunction on Thursday next week.

Meanwhile, Mr Boyan Crampton said yesterday he was not accepting his termination as group general manager of Rabi Holdings Ltd.

# RABI HOLDINGS BOSS IS DISMISSED

Fiji Times 27/4/78

The managing director of Rabi Holdings Ltd, Mr Tekoti Rotan, has been dismissed.

The company's general manager, Mr Boyan Crampton, a former National Federation Party Dove faction parliamentarian, was dismissed also on Monday, two days after he took office.

And on Tuesday night the other four directors of the company changed the lock of his offices to prevent him from entering.

Mr Rotan appointed Mr Crampton to succeed Mr Jim

Matson as general manager after the board of directors rejected his application for the position last month.

Fiji Times learned from reliable sources yesterday that

the company directors were surprised to find Mr Crampton in office when they attended a board meeting in Suva on Monday.

They immediately dismissed him and the four directors took over the company's management.

Mr Rotan could not be reached for comment yesterday.

However, it is believed that the entire staff of Rabi Holdings Ltd were sent home on Monday.

A visit to their offices yesterday showed that it was locked up.



# LOCALISATION

THE MINISTRY of Local Government and Rural Development localisation plan is in full swing according to the Secretary to the Ministry Mr. Ata Teatou.

Mr. Teatou said that the top posts in the Agricultural Division have been localised with the appointment of Koroubara Tetabea as Chief Agricultural Officer effective from December 1st 1977 and with Rui Williams as Senior Agricultural Officer effective from January 1st 1978.

He also said that the Lands and Survey Division is not lagging behind. Because Tokannata Meauke has been appointed acting Chief Lands Officer effective from first January 1978.

Mr. Teatou said that Tokannata Meauke is to prepare himself before the current holder of the post Mr J. A. Amott leaves about March or April at the end of his contract.

He added that the Ministry of Local Government and Rural Development staff training and development are still continuing, to make full localisation possible as approved in the localisation plan.

Mr Teatou went on to say that these achievements have been made possible with the untiring assistance and cooperation of the current expatriate

staff employed in the Ministry.

"We should be thankful for their effort," Mr. Teatou said.



**MR KOROUBARA Tetabea** aged 40, was educated at King George V School, Abemama and Tarawa.

He joined the Agriculture Division after leaving school and has made steady progress within the Division since then.

He was promoted to Agricultural Officer on return from Reading University, UK where he obtained a Diploma in Agriculture Extension work from the University of Reading and to Senior Agricultural Officer in 1976. Mr Tetabea comes from the island of Tabiteuea.



**MR RUI WILLIAMS** aged 36 was born at Banaba.

He was educated at KGV School from 1956-1960. When he left

● CHIEF AGRICULTURAL OFFICER

● CHIEF LANDS OFFICER

school he was awarded a scholarship to Kukum Agriculture College in the Solomon Islands. For eighteen months in the Solomons, he was seconded to the Gilbertese Settlement at Wagina.

He returned to Tarawa in 1965 to join the Agriculture Division.

From 1967 to 1970 he went on course at the Vudal

**TOKANATA Meauke** was born on December 28, 1949.

He was educated at the Betio Primary School and in 1962 entered King George V School.

In 1967 he was awarded a scholarship for further education at the Wanganui Boys College in New Zealand.

In 1970 he joined the Division of Lands and Survey at Wellington for a further three years.

At the end of the course he returned

Agriculture School in PNG where he gained a Diploma in Tropical Agriculture.

And from 1975 - 1976 he attended Reading University UK, where he got a Diploma in Agriculture Extension work.

On his return he was appointed Agricultural Officer.

Mr Williams comes from the island of Onotoa.



home to work with the Lands and Survey Division.

In 1975 he went to the United Kingdom for six months to gain more knowledge and techniques related to his profession.

Sir,

May I be allowed to assure your readers that the Banabans were very definitely not "wonderfully & wickedly deported into exile & poverty", (James Cameron 17/1/77). They are living on their own ~~beautiful & beautiful~~ <sup>beautiful & beautiful</sup> island: ~~in the Fiji Group~~ <sup>in the Pacific Ocean</sup> nine times as large as

^ Before World War II the Banabans were trying to buy an island in the Fiji Group & early in 1942 Rabi was ~~bought for them~~ <sup>by my husband,</sup> ~~as an investment,~~ with money which had accrued in a Sydney bank. Rabi was then a flourishing copra plantation.

After the war the Banabans were found in prison camps in the Caroline Is. They were brought with kindness & care to Tarawa, the Colony Headquarters. (They were camped in the same islet that I was & I helped with a clinic

for the children) 2.

Ocean Is. was a shambles after the Japanese occupation so the Banabans agreed to go to Rabi as a temporary measure until they could decide whether they would like to live there permanently or have their villages rebuilt on Ocean Is. Two years later they voted to make Rabi their home. ~~Thus~~

Ocean Island might have been considered an "idyllic habitable land" if there had been any water there, in fact it was a pleasant place only so long as the annual rains fell.

In 1873 the ~~inhabitants~~ <sup>population</sup> ~~were~~ <sup>was</sup> reduced to 75 as a result of drought, many died & some ~~had~~ escaped on whaling ships. By the time phosphate was discovered there were 300 Banabans described

It was in fact a drought & tucker island

Albert Ellis, a young industrial chemist had ~~no idea of the extent~~ of the phosphate deposits, ~~how could he in those early days?~~ I knew him well & he did a great deal for the Bonabaus, ~~and~~ <sup>and</sup> ~~lost~~ his own wife on Ocean Is. from lack of <sup>urgent</sup> medical care.

James Cameron's "temperate & measured terms" & "total objectivity" would appear to be distinctly one sided, to say the least, & the remainder of his article may be judged by the above inaccuracies -

in favor of Robt  
270 (84.9%) ~~to~~ Robt their headquarters and here, and 48 (15.1%) against.  
as they own both Robt and Ocean Island also is, of course, willing to present a Berlin  
for long in latter school, as in fact they do.

They are living in their own beautiful and bountiful tropical island: nice trees as large as our own Island and incalculably nice fertile.

Before World War II

Rubi was purchased for her by her husband for £25,000, as a profitable investment, with Basilian President Ford money which had accrued in a Sydney bank. It was then a flourishing plantation and is now worth some millions.

During the war the Basilians were relocated by the Japanese in a dorsal camp on Kosrae, with others scattered in 4 other villages. They were brought with kindness and care to Tanona, the colony headquarters, where they were housed in the same hotel as myself, so I was able to help with a choice for their children.

Ocean Island was a shelter after the Japanese occupation so the Basilians agreed that it would be best to go to Rubi as a temporary measure until they could decide whether they would like to live there permanently or return to their former land. Two years later they voted by secret ballot on this issue: 318 (94.6%) of the 336 Basilians are 18 voted;

15

*Plinian Slaves in Polynesia*  
*The Plinian Slave Trade in Polynesia*

PACIFIC HISTORY - PAST, PRESENT AND FUTURE

I am grateful for the honour of being invited to deliver the Presidential Address to the History Section of the first meeting of ANZAAS to be held in the Pacific Islands, since it implies a recognition that the particular branch of history which is concerned with the island peoples, whether indigenes or immigrants, is now a recognized specialization within the general matrix of historical studies.

My first inclination was admittedly to choose for my subject the research paper which I was already working on - a study of the Peruvian Labour Trade of 1862 to 1863 - but with second thoughts came the realization that to do so would be to jettison a unique opportunity of speaking in the islands, and to a largely island audience of varied racial origins, on the development, the present position and problems, and the future prospects, of what is now generally termed Pacific history.



# Atoll Pioneer

QUALITY  
HANDICRAFTS  
FROM THE  
REPUBLIC  
OF  
TUVALU  
ORDERS

No. 291

30th March, 1978

## CHIEF MINISTER SELECTS

## HIS TEAM

THE CHIEF MINISTER announced on Tuesday the portfolios he proposes to assign to his Ministers.

He has made a number of changes to the existing portfolios as a means of directing more attention to areas to which his Government attaches major importance.

Four Ministries remain unchanged.

These are: The Ministry of Finance which is assigned to the Honourable Tiwau Awira.

The Ministry of Education, Training and Culture which is assigned to the Honourable Teatao Teannaki.

The Ministry of Health and Community Affairs which is assigned to the Honourable Babera Kirata.

The Ministry of Works and Utilities which is assigned to the Honourable Ieremia Tata.

The new Ministries are:-

The Ministry of Labour and Manpower.

The government considers it important to ensure equality of treatment and opportunity among workers throughout the Gilbert Islands.

This Ministry will therefore bring together Labour and

Personnel and be responsible for Manpower planning and the introduction of national conditions of service.

The Ministry is assigned to the Honourable Abete Merang.

The Ministry of Natural Resource Development.

This Ministry is being created to ensure better coordination of the development of natural resources throughout the Gilbert Islands.

The Ministry has been assigned to the Honourable Taomati Iuta.

The Ministry of Trade and Communications.

With the formation of a new Ministry of Natural Resource Development matters concerning trade have been allocated to a Ministry of Trade and Communications.

The new Ministry keeps the portfolio of the former Ministry of Transport and Communications but added are, Trade and Co-operatives.

The Ministry has been assigned to the Honourable Roniti Teiwaki.

The Ministry of Local Government.

It is the new Government's wish to

provide more effective local government and to do this a Ministry concerned primarily with local government has been created.

This Ministry will however be under the personal charge of the Chief Minister,

the Hon. Ieremia Tata, who will in addition retain his responsibility for the Chief Minister's Office.

A full list of the new Ministerial responsibilities will be included in next month's gazette.

## FOUR MINISTRIES REMAIN UNCHANGED

## MHA INVITED TO MANEABA OPENING

CONSTRUCTION work on

a big Council maneaba at Taburao Abaiang has been completed.

Construction work on maneaba took about 2 years to complete.

Two local associations on the Island financed the project.

The Associations are the "Ainen te Mwe-raoi, a women's community association

and the Botaki n Unimanen Uen Abaiang or the Abaiang Old Men Flower Associa-

tion.

The maneaba was built of permanent materials.

The Honourable member of Abaiang Mr Teatao Teannaki

said on Tuesday that the people of Abaiang have send invitations

to members of the House of Assembly to attend the opening of the new maneaba.

He said that they expected 300 invited guests during the occasion.



(3)

## BANABANS

In the House of Commons on February 2nd, Miss Joan Lester asked the Secretary of State for Foreign and Commonwealth Affairs, if he would pay a visit to Ocean Island.

Mr Evan Luard: My right honourable friend has no plans to do so at present.

Miss Lester: Is my honourable friend aware that, since the judge in the recent court cases concerning Ocean Island and the Banaban people said that it was up to the British Government to put right a very great wrong that had taken place in relation to Ocean Island, there has been growing concern in the House and in the country about the responsibility of the British Government? Will he please say what is likely to happen?

Mr Luard: We are aware of the remarks made by the judge in the case to which my honourable friend has referred. We are also conscious of the expressions of sympathy that have been expressed in the House and elsewhere for the Banabans. Our main concern is to reach a settlement that is fair to all those involved, including the Banabans and the Gilbertese. It is for that reason, as was announced a few days ago, that we have sent to the area Mr Richard Posnett, once the Governor of Belize, to have discussions with all parties and to make recommendations for a solution.

Mr Kershaw: Has not the case for the Banabans been very much overstated? Is not this a further attempt to get more cash that they do not wish to share with the rest of the territory? Did they not vote overwhelmingly to stay at Rabi? Is it not now our task, together with Australia and New Zealand, to work out a sensible policy and to make further attempts to settle them properly on Rabi, which they have not yet tried themselves?

Mr Luard: As for the desire of the Banabans themselves to live on Rabi, it is the case that they voted by an overwhelming majority to go to Rabi in the first place to stay there. It is not contested that the majority of them want to stay there. That does not remove the problem of who should get the benefit of the revenues from phosphates on Ocean Island. It is a difficult problem. Should it go entirely to the 2,000 or 3,000 people who once lived on Ocean Island, or whose ancestors did, or should the benefits be spread among a larger number of the people in the territory as a whole with which Ocean Island has been associated for a long time?

D | Mr Alexander W Lyon: Does not this whole horrifying story give meaning to the phrase "colonial exploitation"? Has not this story offended many decent people of all political persuasions throughout the country as well as those who use the phrase frequently? Does it need an ex-colonial Governor to go there now after the whole matter has been thrashed out in court for several years and all the facts are known to everyone who is interested in the matter? Is it not about time that the British Government did something to recompense these people who have been exploited over many years?

D | Mr Luard: Obviously we must be concerned with what happened at different times in the past, but the most important factors now are the views of those most intimately concerned, which include the Banabans themselves, both those on Rabi and those on Ocean Island, and the Governments of Gilbert Islands, Fiji, Australia and New Zealand. It is important that we should know exactly what their views are, and it is for that reason that Mr Richard Posnett has been sent out for discussions.

E | Sir Bernard Braine: As the Secretary of State is not to go to Ocean Island, where he would have seen for himself the Banaban homeland ravaged almost entirely for the benefit of Britain, Australia and New Zealand, will the honourable gentleman make the position clearer in respect of two matters? First, what answer has been given to the Fijian Government's helpful request that if Britain will detach Ocean Island from the Gilberts Fiji will accept responsibility for it? Secondly, if Her Majesty's Government are prepared to make that concession, what parallel arrangements are being made to ensure that the Gilbert Islands, when they move into independence, have a viable economy and adequate aid to face a confident future?

E | Mr Luard: It is true that I have not yet had the opportunity of going to Ocean Island. However, the honourable gentleman will know that my honourable friend the Minister of State went out to Ocean Island less than a year ago and saw the position on the spot for himself. It is true that the Fijian Government have made a suggestion of the sort that the honourable gentleman described. I can say that no constitutional arrangement is excluded. Anything, including that, will be discussed and considered. I entirely agree with the honourable gentleman's last point. If we were finally to decide in favour of a solution of that sort, it would make it necessary to consider what would be owed to the Gilbert Islanders, who had expected to continue to benefit from association with Ocean Island. We would make whatever arrangements we felt necessary in that situation.

Mr Lee: Has there ever been an instance of a high court judge castigating successive Governments in the way that Sir Reginald Megarry has done?

Mr Luard: I do not think it is the case that the judge made continual accusations and charges in respect of the behaviour of successive British Governments. He made one highly-publicised remark about what he felt was the responsibility of the British Government. In general - he did this several times in his judgment - he went out of his way to express appreciation of the concern and care that British officials had shown for the welfare of the country over many years.

I agree that we must have concern for our reputation. We are concerned to try to bring about a settlement that is fair to all those concerned, a settlement that would take account of our responsibility for the Banabans and what has happened in the past.

Mr Tapsell: Is the honourable gentleman aware that there will be a general welcome in the House for the assurance he has given us this afternoon that, in seeking a fair solution to the Banabans' claims, the well-being and interests of the 55,000 Gilbertese will be fully safeguarded?

Mr Luard: I am grateful to the honourable gentleman for his remarks. The population of the Gilbert Islands is about 55,000 and there are between 2,000 and 3,000 Banabans. We have to consider whether, now that Ocean Island is in receipt of large revenues from the phosphates, it is right and fair that the benefit should go exclusively to 2,000 or 3,000 people or should be shared more widely among a larger number of people.

Mr Spearing: Will he assure the House that Mr Posnett will look at other matters in the Pacific dependencies where things may have to be readjusted? Is he aware that there are honourable members here who will see that right is done throughout the whole of the Pacific before Britain withdraws here colonial responsibilities from that area?

Mr Luard: On the second part of my honourable friend's question, clearly Mr Posnett will not go throughout all British possessions in the Pacific and make recommendations for the whole area. He is concerned with a specific problem, which is not merely financial. It is a financial and constitutional problem. The two things are closely interrelated. Mr Posnett will visit all those who have a legitimate interest in the subject and will make recommendations on both points. The Government will have to make a decision on the basis of his recommendations.

4 February 1977

THE SATURDAY PAGE

THE GU

12/2/77

Tebuke Rotan's homeland was devastated by Britain's greed for phosphate. For five years he has carried on his people's struggle for compensation. Christopher Sweeney reports

## Half a world away from trust

FOR FIVE lonely years, Tebuke Rotan has fought an extraordinary battle with the British Government from a cheap hotel in central London, waiting to see officials, waiting for the Foreign Office, waiting for court judgments. Half the world away, in the Pacific, the 3,100 Banabans, the former inhabitants of Ocean Island, wait in turn for their monthly letter from Tebuke, listing the latest setbacks, delays and sometimes minor triumphs.

It is now exactly 50 years since the Banabans first protested to the House of Commons, in a pathetic appeal for help, that was predictably ignored. That failure led in turn to a long and hopeless campaign by Tebuke Rotan's father, Tito. He spent years in and out of London, petitioning the Foreign Office and the Government, spending the nights alone in his room watching television he could not understand.

### 'Any negotiations over a settlement are likely to be long and angry'

In 1972, Tebuke Rotan, a Methodist minister educated in Fiji and Brisbane, Australia, took over from his ailing father to begin the slow round of talks, appeals and petitions. It took him six months on his arrival merely to arrange a meeting, through the unsympathetic hierarchy of the Foreign Office, with the junior minister. He had no lawyer and did not know how to find one, no place to live, no friends or supporters.

"If I did not have my religion to fall back on I would have gone mad. We Banabans are not accustomed to life in big cities, we do not like it.

All the time I would be trying to work out why the British were behaving so badly, why nothing was ever done." Tebuke, now a portly 46, recalled.

"Our families are so important to us, but in the past five years the longest I have spent with them is six weeks at one time. It has been very lonely, very difficult."

In the Pacific island community, cut off from the outside world for endless generations, family life and traditions assume an overwhelming importance. In recognition of his sacrifice, the Banabans now exiled from their homeland to the Fijian island of Rabi, chip in to pay for the fare for his wife to visit him in London every year or two.

After so many years, the Banabans' campaign now seems fairly certain of limited victory. The Foreign Office has indicated that a multi-million trust fund may be established but there is bound to be further dispute over the amount paid and the future distribution.

The sums involved are high — the Crown obtained over £60 million and probably far more from the millions of tons of phosphate extracted from Ocean Island, a tiny pimple in the Pacific, of just 1,500 acres, off the coast of New Guinea.

There is great bitterness towards the British and they clearly do not trust the Government — a wise precaution in view of the past record of deceit and exploitation. Thus any negotiations over a settlement are likely to be long and angry.

Tebuke Rotan took over as the Banabans' emissary after working as a Methodist minister on Rabi Island. The Banabans were in effect exiled there by the British after having been scattered and cruelly used by the Japanese during the Second World War as slave labourers.

He was educated in Fiji and at what sounds like a



Tebuke Rotan: "We trusted the British"

remarkably cheerful theological college in Australia. "They were such good days, the best in my life. We had so much fun, naturally I failed," he recalls. After later graduating he worked within the community, married ("I had the longest engagement in our history — 7 years") and had six children. He is intensely proud of the community, meticulously listed the number of Banaban children who had passed high school certificates, recalling other triumphs in their life with the host Fijians.

Part of the problem in the long dispute has arisen from

the vast differences in cultures and ways of thinking. In the four Banaban villages on Rabi, possessions are shared, life is gentle and disputes are rare. Like other Pacific Islanders, they are great drinkers but meanness and violence are alien — in tight communities, conflicts are avoided by every means.

In diplomatic terms, however, Tebuke readily admits they have been naïve, extraordinarily so to an outsider. Unwittingly they gave up land for the equivalent of trinkets, because of trickery and their own wide eyed naïveté. "We did not know what the true position

was in those days. We trusted the British and believed what they told us," Tebuke said.

The Banabans were also hopelessly naïve about the campaign itself, trusting that the courts would arbitrate (even where, as it turns out, they did not have the power). Over the years their leaders have aided the British side, unwittingly signing away rights and conceding vital points without realising their significance.

Last year they admitted that there had been mismanagement in their previous financial affairs — money was distributed among the community, sometimes unwisely. They acknowledged this to the Foreign Office without realising that this admission would be used against them in arguments over the form of trust and the amount of Banaban control over the compensation payment.

The complexities of the dispute, involving the governments of Australia, New Zealand, Fiji, and the future status of the Gilbert and Ellice Island colony, as well as Britain, in any case were difficult enough to baffle the most experienced negotiator. "We are not used to these ways of thinking," Tebuke Rotan explained. "It is so difficult, governments have behaved badly. They will not admit their fault even when they are wrong."

MPs and others advising the Banabans also claim that there is a cabal within the Foreign Office, determined to side with the Gilbert Islanders, who have received 85 per cent of the Ocean Island phosphate royalties, since the Banabans homeland has always been regarded, by Britain, as part of the Gilbert colony. "They have an Ibo mentality, the same people led the Government astray over the Nigerian civil war. They will not concede at all," one adviser snapped.

The impetus for the latest round of dispute came when

Nauru, 170 miles from Ocean Island, gained independence from Australian control in 1968 and set about exploiting its own phosphate deposits. Advised by the high powered investment consultants, Philip Schrapnel and Co in Sydney, the 4,000 Nauruans turned their 8.5 square mile island into perhaps the richest single country in the world. Royalties from phosphate now give them, according to UN figures, the highest per capita income in the world — in 1975, over £15,000 a year.

### 'There is now less than two years worth of phosphate left'

The sudden Nauruan affluence showed just how wealthy the Banabans could have been had they been given proper advice and control of their own resources. World phosphate prices quadrupled in 1974-5 when Morocco, with the world's largest supply, cut back on supplies. But the Banabans were still largely tied to contracts negotiated more than two decades before, contracts that were undoubtedly forced on them against their best interests by the British.

There is now less than two years' worth of phosphate left on the devastated island. The High Court last year acknowledged that the island itself is now probably damaged beyond repair. Once the phosphate goes the Banabans fear they will have nothing left, not even adequate recompense for the prosperity they brought to farmers in Britain, Australia, and New Zealand.

"We have been made to look foolish," Tebuke Rotan acknowledges. "But at first we did not understand"

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# JUSTICE FOR THE BANABANS

The sad and dignified struggle of the Ocean Islanders, or Banabans, to try to correct injustices which they claim have been perpetrated on them over a period of many years, has brought them a wide measure of public and some parliamentary sympathy. Their shabby treatment at the hands of successive British colonial authorities has also been criticized by the High Court judge who spent the best part of three years trying the actions which the islanders brought against the British Government. He was unable, in law, to grant them anything more than a small part of the compensation which they sought, but made it clear that he thought their moral case was a strong one. Their original homeland, Ocean Island, has been laid waste by mining operations for phosphate, and they have lived elsewhere for more than thirty years on Rabi, near Fiji.

Some of the riches from those operations have been given to them in the form of royalties from sales, but much more has gone to Britain, Australia and New Zealand, although much of the profit accruing to Britain has in fact been ploughed back into the administration of the former Gilbert and Ellice Islands, of which Ocean Island is, constitutionally, a part. The Banabans have a strong case for

saying that they have systematically been paid less than their fair share from the benefits of the phosphate on their island, and they look jealously on the citizens of Nauru, who, similarly dispersed from their phosphate-rich home, have attained substantial wealth.

The financial claims of the Banabans are accompanied by a claim for political and constitutional independence from the Gilbert Islands. The British Government, while not shutting the door completely, has been less than enthusiastic. It has to consider, too, the rights of the Gilbert Islands, which are now self-governing and likely to obtain independence within two years, and those of Tuvalu, formerly the Ellice Islands, which broke away from the Gilberts in 1975. Both of these groups have only limited economic potential and they have in the past relied heavily on funds from phosphate royalties to keep them going. Those royalties will come to an end in about three years, when the phosphate on Ocean Island runs out.

Moreover, the British Government can point justifiably to the fact that while the Banabans have, in absolute terms, received a small proportion of total phosphate royalties, if looked at per capita, the islanders have not done all that badly, and have, on

their own admission, squandered or invested injudiciously much of their income. The British government must also have in mind the possibility of Ocean Island regaining economic potential through, for instance, fisheries under the forthcoming international 200 mile limits.

The Banabans cannot have it all ways. If they accept a settlement from the British Government, choose to go on living in Rabi (which is the only home which most of them have known) and achieve independence, or whatever association with Fiji is considered appropriate, they cannot at the same time retain their sovereign rights over Ocean Island. That does not mean that they ought not to be allowed to keep their rights as landowners, and to continue to have the right to enter and stay on the island. It would be unjust, however, in effect, for the flag of Fiji to fly from the scarred face of Ocean Island. Within those limits, there would be no reason for the British Government to oppose the Banaban wish for separation from the Gilberts. It should in any case make a generous payment to the islanders—in whatever form would be most advantageous to them—as compensation for the substantial moral, if not legal, wrongs it has done them in the past.

## LETTERS TO THE EDITOR

### Britain's duty to the Ocean Islanders

Sir, — Mr H. E. Hiley (February 16) complains of a lack of balance in the reporting by the Guardian and the BBC of the Banaban case, alleging that you tend to report only the Banaban views. This allegation flies in the face of the evidence.

Sir Robert Megarry, the Judge who spent 206 days trying the Banaban cases held that the Government had been guilty of grave breaches of duty towards the Banabans. Lord Goronwy-Roberts has told the House of Lords that the Government is anxious to play its full part in rectifying "the enormities of past Colonial policy." Neither the Judge nor the Minister were expressing a Banaban point of view.

Nor, as Mr Hiley suggests, has any injustice been done to the Gilbertese. Until 1900 Ocean Island never formed part of the Gilbert Group. In 1916 it was included in the Gilbert and Ellice Islands Colony for the administrative convenience of the British. All the land on Ocean Island belongs to the Banabans. It is

true that many Gilbertese have worked in the phosphate industry, usually on short term contracts. None of them has ever made his home on Ocean Island.

Despite the somewhat tenuous links between Ocean Island and the Gilberts, the Gilbertese Government has received more than Aus. \$60 millions from the phosphate industry. Since 1966 they have been getting 85 per cent of the net benefits from the phosphate. This has enabled them to build up a fund to secure the future of the Gilbertese people. It is the British, not the Gilbertese, who have given the Banabans a raw deal, and it is for Britain to put the matter right.

Mr Hiley refers in his letter to the Banabans' move to Rabi in 1945 and the referendum which followed in 1947. This is one of the saddest aspects of the Banaban story. Before the war the Banabans suggested that Rabi should be purchased as a second home for them. It was bought in 1942 out of their own money. In 1943 they

were deported by the Japanese and lived in circumstances of great hardship. In 1945 the British did not allow the Banabans to return to Ocean Island, even to see what had happened to it. They were told that any who did not want to go to Rabi would have to fend for themselves, as they had done during the Japanese Occupation.

Rabi has a totally different climate. After only 15 months there the Banabans were asked to decide their future. A ballot was held. One ballot box was marked "I shall stay on Rabi," the other "I shall not stay on Rabi." 270 people voted to stay, 48 not to stay. This was interpreted by the British officials as a vote by the Banabans to make Rabi their permanent headquarters and home. A subtle difference from the question the people had, in fact, been asked. The vote was taken after the Government had undertaken that a decision to stay on Rabi would not affect the Banabans' rights to land on Ocean Island and had agreed that the Banabans

should be permitted to travel freely between Rabi and Ocean Island and to reside on Ocean Island.

It seems reasonably clear that the Banabans did not intend to give up Ocean Island and believed they were keeping both Islands. Jenny Baraclough, in her brilliant film "Go tell it to the Judge" does not deal with the 1947 referendum and does not consider why the Banabans were asked to make this decision in May 1947 and why they had no independent advice. This is a pity, but she only had 60 minutes.

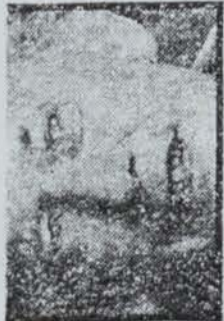
It is all too easy to sweep the enormities of past colonial policy under the carpet. The BBC is to be congratulated on having had the courage to show us the full impact of the British influence on the Banaban people. The film was fully justified and very well done.

— Yours faithfully,  
Emlyn Hooson, QC, MP,  
(Liberal Montgomeryshire),  
Houses of Parliament,  
London SW 1

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JAMES CAMERON

# British and not proud of it

*The Guardian*  
17.1.77

I am knee-deep in mail; Jenny Barraclough, whose sole concept it was, must be up to the eyes. Amazingly, not a nut-case in the lot, so far. On the contrary, letters from Leamington, missives from Malvern, cheques from Cheltenham. And all of them saying, in a startling concision of phrase: I had never believed it possible that I could be ashamed of being British. I had always trusted in British justice. I am aghast to learn for the first time of

the television programme which in any way involved me that produced anything like the extraordinary public impact of the documentary made by Jenny Barraclough called Go Tell it to the Judge, shown on BBC the other day. For some reason — well, obvious reasons — this hit viewers on the raw more keenly, and more immediately, than anything else in my own experience.

the statistics being some middle-aged colonel, retired, and I am dishonoured. What can we do now?

The show that stirred up all this furore was of course, an account of the British colonial and commercial record in Ocean Island, a minute speck of what used to be idyllic habitable land in the Pacific, which is now a wasteland, whose inhabitants have been wantonly and wickedly deported into exile and poverty, in the name of big business supported and sponsored by HM Government—which is to say, in your name, and mine.

Now it goes without saying that the programme was couched in my customary temperate and measured terms, straying no way from total objectivity. But total objectivity was quite enough to make it very clear indeed that for years HMG and its mining interests have tricked, deceived, threatened, conned, and mocked these peaceful Pacific simpletons with an avarice so naked it shocked even the judge. Not that it

and the isthmus much good, shocking the judge. Maybe, now, shocking the people may help.

It is far from a new story; indeed it culminated not long ago in the longest and costliest civil action ever heard in London. Still, from the rumpus caused by the documentary, it seemed that great numbers of decent Englishmen were startled to realise that officers of the Crown on the other side of the world were operating like a colonial Mafia. And after all this time, have still not been brought to book. Nor, by all the indications, ever will be.

It is a hard tale to synthesise, as it has been going on a long time. At the start of the century a smart New Zealand businessman stumbled on the fact that this Ocean Island, which is only 3½ kilometres across, was practically solid phosphate—guano, from centuries of bird-droppings, an immensely valuable fertiliser. Albert Ellis, as he was called, moved in like a shot.

The Ocean Islanders were called Banabans. They were affectionate, welcoming, and illiterate. On the first day Ellis conned them into surrendering the mining rights for 999 years, for £50 a year. It was too good to be true, at least for Mr Ellis. However, to consolidate the bonanza, the British Government was persuaded, without difficulty, to annex Ocean Island into the Empire. In 1901 the baffled Banabans found themselves a colony, and the Colonial Office a conspirator.

Over the years the skulduggery went on. Every so often the Banabans had to put their marks to legal documents they had no earthly means of understanding. The company's bulldozers tore the land away and shipped it to Australia. They destroyed the coconut trees, the main source of the Banabans' food. They promised to restore the ravaged soil; they never did. Ocean Island began to disappear.

Judge Megarry took four months to write an enormous judgment that said almost nothing. In the first case: Britain, Australia, and New Zealand bought up the phosphate company. The Colonial Office was now a prime party in this rapacious and squalid swindle. When the Banabans protested at anything now they could be, and were, officially threatened with punishment.

yes, the phosphate people had reneged on their promise to replant the land, and the Banabans should get damages—but how much, he couldn't bring himself to say. Something neither too small nor too big; let them work it out. In the case against the British Government: the Banabans had no case at all. Yet with an extraordinary rider: "The question is not whether the Banabans should succeed in fairness, or ethics. I cannot make an award just because I conclude they have had a raw deal. Yet a judge must direct attention to a wrong he cannot right. I leave it to the Crown to do what it considers proper."

Thus one of the most equivocal judicial statements on record. They won, but they were wrong. Tebuke Tito accepted this for the Banabans with an almost super-human generosity and consideration. "They are good men I am sure," he said, "but I think I shall never understand the law. They mean well, but now we

are entitled to damages. I don't know what you had a raw deal from. I am sorry, but judges are not supposed to be business for raw deals. And sin no more. And if possible, feel British. It clearly helps

have nothing left, our home. The Crown is the head of a justice system, must manifestly be done. Thus reflecting Philip Agee that proposes to defame the Home Office and won't say why. Derek Hilton, the chief of the Home Office, it is decided this is a tem. Take it or leave it.

Thus the two Indian monks Ram Naredeshwar Prasad sent back to Nepal hearing. Says Mr Rees, doubtless an on the Ananda Marment: "You can't get people in just because monks."

Thus Rotan and Tito of Ocean Island went and told it to the and were told in return are entitled to damages. I don't know what you had a raw deal from. I am sorry, but judges are not supposed to be business for raw deals. And sin no more. And if possible, feel British. It clearly helps

## LETTERS TO THE EDITOR

### Balance and the Banaban cause

Sir—It is always good to see the Guardian backing those who have had a raw deal, but this backing should be fair and balanced, and factual. In this case the Guardian seems to have fallen below its usual standard, tending to report only the Banabans' views, as put by Tebuke Rotan (February 12) and earlier, and failing to put the other side—or even to check on the "facts" given.

To say "the Banabans were in effect exiled" to Rabi Island by the British is an emotive travesty of the truth. The Banabans themselves requested Britain in 1940 to find them a new home in the Fiji Islands and after their deportation by the Japanese they agreed to go to Rabi Island for two years. If after that time they wished to return to Ocean Island the British Government would bear the cost but in fact by an overwhelming majority in a secret ballot (with Banaban supervisors) they decided to stay on in Rabi Island, where the Fiji Government have made special arrangements for them to continue their

normal mode of life and customs. The statement "the Banabans homeland has always been regarded, by Britain, as part of the Gilbert Colony" is true. But it isn't only Britain that has so regarded it. Missionary and Church sources confirm that the Banabans of Ocean Island and the Gilbertians are one people, with one language and tradition, and much intermarriage, so that it was not just a commercial trick to include Ocean Island within the boundaries of the Gilbert Islands Colony. Missionaries, both serving in and retired from the Gilbert Islands, are very anxious that the Banaban issue should not be treated separately from the Gilbert Islands as they all say without any hesitation that the Banabans are Gilbertese, and all will suffer when phosphates on Ocean Island are exhausted.

Two major Gilbertese Churches, Roman Catholic and the Gilbert Islands Protestant Church, only last November wrote in a joint letter to the Pacific Conference of

are involved. Mr. Posnett, for the Foreign Office, is now on his way to discuss the matter with these parties but it is important that as soon as he returns there is no delay in making a prompt and generous settlement for all concerned.—Yours sincerely, H. E. Hiley, Womersley Guildford, Surrey

Sir—I have been following with interest your treatment of the injustices suffered by the Banaban people. I was particularly impressed by Christopher Sweeney's brilliant article on the Rev. Tebuke Rotan, the Banaban leader. What an enchanting and wonderful people they seem to be—always turning the other cheek. May I express the wish that the Banabans, without losing their delightful characteristics, will stand up and fight the British Government for their rights. Charles Pritchard, Hawkins House, Dolphin Square, London SW 1.

## LETTERS TO THE EDITOR

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FRUIT TIMES 3/11/76

unashamedly stated in the records, was that the Banabans should be absorbed into the Gilberts, thus leaving Banaba clear for the unrestricted exploitation of its phosphate.

Our presence was a hindrance to the phosphate profiteers and an embarrassment to the British. And please note, Mr Arieta, that they talked about marriages between Banabans and Gilbertese, tacitly acknowledging that we were separate peoples.

They also referred to such marriages as "mixed marriages." If a Gilbertese marries another Gilbertese that is not a mixed marriage, but if he marries a person of another race it is.

The British even planned to acquire a ship for their Gilberts administration so that Banabans could travel to the atolls. The official hope was that they would find marriage partners there and settle.

If such a sly solution to "the Banaban problem" had worked

## HOME NEWS

# Banabans to renew fight for pay-out

By CHRISTOPHER SWEENEY

The extraordinary legal battle between the 3,000 Banabans and the British Government may not yet be over, despite the millions of words, years of court action and the High Court case last year which became the longest in English legal history. Preparations are now being made for a possible appeal against judgment last December which gave the former inhabitants of the tiny Western Pacific atoll of Ocean Island a clear moral, but not legal, victory.

If the appeal goes ahead, it will probably be up to another two years before the issue is settled. Under the limited judgment of Sir Robert Megarry, the Vice-Chancellor, on their action for the restoration of their island, the Banabans fear that they will receive a small settlement. Legal advisers have warned them that it could be less than £500,000.

The islanders had originally sued for £21 millions in the action, one of two highly complex cases brought simultaneously against the British Government and the British Phosphate Commissioners. For more than 50 years, the commissioners have controlled the company extracting millions of pounds worth of phosphate from the tiny pimple of an island, roughly halfway between Sydney and San Francisco in the Pacific.

The move would also be aimed at pressuring the Government and the Foreign Office. The Banabans have complained

bitterly that Westminster has been delaying settlement of the issue of compensation. Sir Bernard Braine and Mr John Lee, the two MPs who have been fighting for the Banabans for many years, have also accused the Foreign Office of deliberate delay.

A special emissary, Mr Richard Posnett, a former colonial governor, is currently in the Pacific talking to interested governments on the question. He is due to return to London in March after talks with the Fijian, Australian and New Zealand governments and the leaders of the Banaban and Gilbert Island communities.

Mr John Lee, Labour MP for Birmingham, Handsworth, said: "If the Foreign Office Ministers were really serious they could have merely picked up the phone and talked to the governments in Canberra or Wellington. I suspect that all these moves are just aimed at stringing the dispute along, hoping that the public will forget about it all. They have been talking about this question now for years. Why send another emissary around the Pacific? All the attitudes are known by now."

The Foreign Office, which denies this implication is, however, known to be worried about a possible Appeal Court hearing. The outspoken appeal judges, Lords Denning and Scarman, could well have some extremely harsh and embarrassing words to say about the previous colonial administration.

Letters, page 10

## Banaban links with the Gilberts

Sir — The facts do not support Mr Hiley's implication (Letters February 16) that Ocean Island was always part of the Gilberts.

The Gilbert and Ellice Islands, originally taken under protection in 1892, were annexed as a Colony by an Order in Council of 1915. A schedule to this order lists the islands with which it deals. Ocean Island was not amongst them. A further Order, under the Colonial Boundaries Act of 1895, extended the boundaries of the colony to include Ocean Island in January 1916. If this was not a commercial trick, it was certainly an imperial stratagem aimed at ensuring that Banaban phosphates would defray the cost of administering the Gilbert and Ellice Group. The Banabans were not consulted and, of course, knew nothing at the time of the significance of the move.

I visited Ocean Island in April 1975, accompanied by my Parliamentary colleague, Sir Bernard Braine MP, at the invitation of the Banabans. We also visited the Gilberts where we had extensive consultations with Ministers and expatriate officials, including the Governor.

We were made fully aware of the Gilbertese view that the Banabans were similar in many respects to themselves. We had no hesitation in concluding, however, that, if one accepts a chance migration of

Gilbertese to Ocean Island over 300 years ago, there was virtually no communication between the two peoples before the advent of Europeans. As we said in our joint report to the Foreign and Commonwealth Secretary at the time, "what determines identity is what people believe themselves to be. We have been left in no doubt that Banabans consider themselves to be a separate people."

Mr Hiley need have no fear that those of us in Parliament who have long been pressing that justice should be done to the Banabans — both constitutionally and financially — will neglect Gilbertese interests. Should he have doubts in this respect, I would refer him to a lengthy and detailed contribution by Sir Bernard Braine to a debate in Committee on the Asian Development Bank Order on February 14, in which he identified four development projects in the Gilberts and pressed the Government to show a greater sense of urgency in arranging for them to be implemented.

The Banabans have been shamefully treated by British officials, not by the Gilbertese. The guilty party, Britain, must make restitution.

— Yours faithfully,  
John Lee, MP  
(Lab Birmingham Handsworth)  
House of Commons,  
London, SW1.



# UK envoy seeks views on Banaban dispute

By ARTHUR GRAY

A British envoy has arrived in Australia to seek Australian assistance in compensating Ocean Island natives for the loss of their homeland.

Mr Richard Posnett, who has been appointed by the British Government to investigate the Ocean Island-Banaban phosphate-compensation dispute, held talks in Sydney yesterday with the Minister for Foreign Affairs, Mr Peacock.

An official of the British High Commission said Mr Posnett had arrived in Canberra last night.

A former Governor of Belize (British Honduras), Mr Posnett is seeking the views of the Australian Government on payment and settlement of claims by the Banabans.

Britain, Australia and New Zealand, as partners in the British Phosphate Commission, have been accused of depriving "a small defenceless people" of their single wasting asset, the heavily mined

phosphate on Ocean Island.

Ocean Island, of about 600 hectares, was annexed by Britain for its phosphate in 1900 and the Banabans, Ocean Island natives, have been moved to Rambi Island, 2,400 kilometres away in the Fiji group.

A \$A35 million claim by the 3,000 Banabans for damages from the three-nation commission led to one of the longest and most expensive court cases in British legal history.

The Under-Secretary for Foreign Affairs in the British Government, Mr Luard, told Parliament recently that the Banabans were likely to get \$A10 million in phosphate revenue from the British Government.

The visit by Mr Posnett is to assess the climate in Australia and New Zealand towards meeting some of this.

A senior government official has confirmed that

Australia would consider contributing to the compensation fund. The figure has yet to be stated.

A submission by the then Australian Minister for Foreign Affairs, Senator Willesee, to Cabinet in 1975 showed that Australia was anxious to settle the dispute out of court because of "the adverse publicity" which could arise from a court hearing.

## Commercial prices

The Banabans had submitted at the lengthy British court hearing that Australian and New Zealand farmers had benefited by about \$A47 million from the commission's pricing policies on the phosphate mined on their island between 1924-25 and 1964-65.

Mr Posnett will have talks in Canberra today with departmental

officials from Foreign Affairs, Prime Minister and Cabinet, Administrative Services, and Finance to gain further information on Australia's views.

Tomorrow he will meet British Phosphate Commission officials in Melbourne for further talks.

He met Banaban representatives in Fiji last week.

Fiji Times 23/2/77



## Britain's envoy to Ocean Is in Fiji for talks with Govt heads

By ROBERT KEITH-REID

Roberts, and arrived via Hong Kong and Nauru.

He said he went to Nauru to compare it with Ocean Island.

Ocean Island had not been what he had expected.

"I had expected something looking like a desert, rather, but it is quite a green island" he said.

But this might have been because there had been some good rain.

### TALKS

Mr Posnett said it was too early for him to judge whether the Banabans could survive on the island after phosphate mining ended.

In the Gilberts he had held private talks with the government and had heard views from the public expressed at a 3½ hour maneaba (public meeting) attended by about 300 people.

"I was given quite a rocky reception," he said.

"There were a lot of placards." Opinion at this meeting had been against the secession of Ocean Island.

In Fiji, Mr Posnett will meet Government officials to discuss Fiji's attitude to the dispute. He will spend several days at Rabi, where the majority of Banabans live.

At the end of this week, he will leave for Australia and New Zealand for talks with the governments of both countries as members of the commission which mines Ocean Island's phosphate deposits.

According to London reports, Britain wants Australia and New Zealand to contribute to any compensation paid to the Banabans.

## GUARDIAN 25.2 How the Banabans got to Rabi

Sir,—Your correspondent Mr Hiley (February 16) is quite right in saying that "the Banabans have had a raw deal and that proper compensation is due, and due promptly."

His account of the move of the Banabans to Rabi is less accurate, as the following Government note to the Phosphate Commissioners in 1945 indicates:

"It is considered most desirable that this unique opportunity should be taken for taking them to Rabi instead of returning them to Ocean Island. . . . While present shipping difficulties are realised it is strongly urged that they should not be permitted to frustrate the carrying out of a project which the Commissioners have been striving to achieve for decades and which, if not done now, will never be done."

(See Hansard of 18.12.1975, col. 1856.)

It cannot be too strongly stressed that the injustice done to these people has been the subject of repeated debates and questions in the House of Commons by members of the Labour, Conservative and Liberal Parties, and latterly the SNP. It is no use trying to dismiss the matter by reference to alleged imbalance in the television programme, nor will it do to try to play off the supposed interests of the Gilbertese against the Banaban claims—this is the current Foreign Office tactic, and it is thoroughly disreputable.

Only full and generous recompense to the Banabans and respect for their wishes concerning the future constitutional status of Ocean Island can satisfactorily resolve this long-standing grievance.—Yours sincerely,

Frank Hooley, MP,  
(Lab, Sheffield Heeley),  
House of Commons,  
London SW1.

A British Government official who is investigating the future status of Ocean Island arrived in Suva yesterday with a souvenir from it that he will carry on his forehead for some time.

Mr Richard Posnett (above) cracked his head on a stalactite exploring one of the huge underground caverns used by the island as water reservoirs.

Nursing a scar above his left eye, he said in Suva yesterday: "There was blood all over the place."

He spent three days travelling by ship from Tarawa in the Gilberts to the island and back.

Mr Posnett was called back from leave after four years as governor of the British central American colony of Belize to investigate the Ocean Island question for Britain.

The island's owners, the Banabans, want it severed from the Gilberts and given independence as an associate state of Fiji.

### ENTITLED

The Gilbertese have objected to the idea.

The Banabans also want compensation for damage done to their island by phosphate mining.

After hearing their case, a British judge said recently that they were morally entitled to something.

Mr Posnett told the Fiji Times he had come to the Pacific with "no propositions to make at all."

"I am here to listen, learn and inquire and report back to the minister."

Mr Posnett was despatched to the South Pacific by the British Minister of State for Foreign Affairs, Lord Goronwy-

# BANABANS HIT OUT

Fiji Times 3/3/77

The "so-called fact-finding visit" to the South Pacific of British Government representative, Mr Richard Posnett, was a ploy to further delay settlement of the Banaban question, Rabi Council of Leaders said yesterday.

The Banaban people recently lost a long court battle for legal compensation for phosphate mining damage done to Ocean Island, but the court said the British Government had a moral obligation to pay. Mr. Posnett was sent to look at the damage and estimate compensation, and

## Fact-finding mission is ploy, says Rotan

examine the request for independence for Ocean Island.

A Rabi Council statement signed by Rabi leader Tebuke Rotan asked what facts Mr Posnett could gather which had not already been placed on record during the long struggle of the Banabans to get justice.

"The facts are known to the world," the statement said. "They add up to a record of ex-

ploitation, broken promises and evasion of responsibility that is without precedent in the history of colonialism.

"Mr Posnett is a former colonial governor. He has been, and still is, a servant of the British Government.

"How then can he be expected to look with an impartial, unbiased eye at the issues involved?"

"If Britain wanted to give a semblance of legitimacy to this latest manoeuvre, it should have entrusted the 'fact-

gathering" to the United Nations so that at least the precepts of impartiality could have prevailed.

"Does the British Government have no shame? How long will it keep delaying its promise to find a settlement?"

"Where is that generosity of spirit that has marked so much of British history?"

"Britain would do well to learn from our people in this respect. Despite their treatment at the hands of the British Government, the Banabans recently honoured Queen Elizabeth in music and dance when Her Majesty visited Fiji.

"That was a gesture typical of the Pacific spirit.

"The British Government could still salvage some of its self-respect if it allowed a measure of the same to premeate the corridors of Whitehall."

# Rabi leaders seek reply

7/11 TIMES 16/2/77

The Rabi Council of Leaders has ordered the managing director of Rabi Holdings Ltd, Mr Tekoti Rotan, to give a written reply to allegations that the company's affairs have been badly managed.

The reply must be submitted to the council within a week.

The newly formed Banaban Community Association in Suva has called for a full investigation into the company.

It claims that the company has failed to submit annual financial accounts for three years and that there were no annual general meetings.

The chairman of the council, Mr Uaieta Eri, said yesterday in Suva it had held preliminary discussions with the association.

Meanwhile the Registrar of Companies is preparing proceedings against Rabi Holdings for failing to submit its annual returns for 1975 and 1976.

# 'No difficulty' in island decision

By ARTHUR GRAY

An early decision in the Banaban-Ocean Island phosphate settlement would "not be too difficult to reach", a British Government envoy, Mr Richard Posnett, said in Canberra yesterday.

Mr Posnett met officials from several departments yesterday, after an hour-long discussion the previous day in Sydney with the Minister for Foreign Affairs, Mr Peacock.

It seemed most unlikely that the Federal Government would be directly involved in any financial settlement, but Australia's part in the proposed settlement with the Banabans would be financially drawn from the surplus funds of the British Phosphate Commission, which Australia, New Zealand and Britain are partners.

## Development

In the original commission development of Ocean Island and other venues of business, Britain and Australia had a 42 per cent interest and New Zealand 16 per cent. The estimated phosphate output from the land has been 60 per cent to Australia, 30 per cent to New Zealand, and 10 per cent to Britain.

It did appear from remarks implied, rather than stated yesterday, that Britain would be more than pleased to vacate the Ocean Island area.

The problems facing the area would be more than the \$10 million payment suggested by the Under-Secretary for Foreign Affairs in Britain, Mr Luard.

Banabans who have come under the jurisdiction of the Fiji Government in their move from Ocean to Rabi Island have a separate status from the Fijians, but they still want to retain ownership of Ocean Island and all its resources.

Ocean Island could sustain a number of islanders. There is no room for an airstrip, but its shipping facilities are sufficient to sustain a fishing fleet.

Fresh water, which is transported to the island, could be a problem, but the expected findings of the Law of the Sea Conference in New York within a few weeks and the possibility of a 200 nautical-mile zone, economic-resources zones, and continental shelf, produce tremendous potential problems for the several national fishing fleets which could use the island and the area in the event of a British withdrawal.

Mr Posnett also met a former resident commissioner of Ocean Island, Professor Maude, of Forrest, regarded as a leading expert on the history and technology of the area.

The three partner Governments appreciate that the Banabans have suffered some loss of their homeland and the proposed settlement is aimed at ensuring that they are not left without support after mining.

While Mr Posnett believed that some Banabans could live on the island after mining ceased, he said those who had moved to Rabi Island came under the jurisdiction of the Fijian Government, not the British. It was inferred that Britain would be pleased if Australia was to take over the Ocean Island as a protectorate.

Mr Posnett was unaware that the British Government had mentioned a \$10 million settlement figure.

He told The Canberra Times before yesterday's meetings that he had "no brief or any proposal to offer" from the British Government, but had been sent on a "mission of inquiry".

The main points to the mission were: to check the facts of the situation; to sound out the Governments concerned on their views; and to ascertain the views of the people on Ocean Island, Fiji, Rabi Island and the Gilbert Islands (all part of the area where the British Phosphate Commission has mined phosphate for the past 50 years).

Mr Posnett's mission was implemented after the Banabans had engaged in a losing legal battle for \$A35 million damages from the commission in the British High Court.

He preferred yesterday to refer to his present inquiry as one of settlement rather than compensation, "to find out what kind of settlement was generally acceptable and then calculate it to resolve the problem".

The settlement could be resolved by an agreement procedure, most likely "within a few short months", between the three Governments who all looked at the present problem differently.

He had sought comparative views on the situation in Nauru and had visited Gilbert, Rabi, Ocean and Fiji islands before coming to Australia. He will meet commission executives in Melbourne today and go to New Zealand next week.

The British Government had no figure in mind for the settlement or what proportion each partner in the commission might be called upon to meet.

Mr Posnett expected to be back in Britain later this month when he would compile a report which would include a consensus of views of government representatives, draw some conclusions and suggest options available.

It was quite possible that he could have to return to the area for further talks before a final decision was reached.

# Banabans wait for Australia

By STEPHEN NISBET

CANBERRA. — Australia has still to decide if it will help the Banaban people displaced from the phosphate mining centre of Ocean Island.

A British Government negotiator, Mr. Richard Posnett, said yesterday he had received no firm commitment that Australia would support an aid plan.

Mr. Posnett, a former Governor of the Caribbean State of Belize, is visiting Australia and the South Pacific to sound out opinion on aid to the Banabans, and who should pay for it.

He has talked in the past two days with the Foreign Affairs Minister, Mr. Peacock, and Government officials.

Yesterday Mr. Posnett said he hoped a settlement could be reached within a very few months, and he was happy with the progress of his mission.

Britain wants Australia and New Zealand to share the cost of moves to assure the economic future of the 2000 Banabans, most of whom now live on the Fijian island of Rabi, 1800 kilometres from Ocean Island.

Aid — if agreed to — could be financed from the surplus of the British Phosphate Commission, owned 42 per cent each by Britain and Australia, and 16 per cent by New Zealand.

The Banabans' compensation claims have come into the spotlight through a marathon series of legal cases before Britain's High Court.

## Lesser claim

The Banabans failed in their main action which sought compensation from Britain for allegedly inadequate royalties.

But protracted out-of-court legal negotiations are still going on over a second and lesser Banaban claim against the British Phosphate Commission.

Mr. Posnett said Ocean Island looked more habitable than he had been led to believe.

"It didn't look like a moonscape at all. There was quite a lot of vegetation in the areas where there had been mining," he said.

"We should not dismiss too lightly the Banabans' claim that some of them could live there."

In Canberra, Mr. Posnett will visit Professor Henry Maude, a retired historian who spent many years as a British Colonial Administrator in the Pacific.

Professor Maude was in charge of the British Government's purchase of Rabi Island for the Banabans during the second world war.

Professor Maude said yesterday the Banabans had voted 85 per cent in favor of the move to Rabi Island which was more fertile and 10 times bigger than Ocean Island.

# MORAL DUTY OF A TRUSTEE POWER

THE 2500 odd Banabans of Ocean Island in the South-West Pacific have just lost a 21 million pounds sterling claim in the High Court in London for underpayment of royalties on phosphates extracted by the British Phosphate Commission. Although they did not win, their case demonstrated that a trustee power has a moral obligation to see that a subject people are fairly treated. The judge hinted that the Banabans should be compensated. — DAVID GWYNN MORGAN of Gemini News Service reports from London.

THE British Government is considering a strong hint, made by an English judge, that Britain is under a moral obligation to compensate the Banabans for underpayment of royalties on phosphates extracted for several decades from their island in the South-West Pacific.

But in spite of having moral right on their side, the Banabans have just lost the longest English lawsuit ever. Argument in the case, which began in April 1975, lasted 206 days and included a visit by the judge to their homeland Ocean Island.

When the judgment was finally delivered it took five days to read. Legal costs are estimated at close on one million pounds sterling.

Before leaving London for home after the case the head of the Banabans council of leaders said he was "weary and defeated."

He returned to another issue which faces the islanders — that of their constitutional future.

The Banabans, who number only 2500, are closely related ethnically and linguistically to the Gilbert and Ellice Islanders and have always been governed as part of those islands.

On January 1, 1977, the Gilbert Islands — including the Banabans — are to obtain self-government, the last stage before Independence.

## Phosphate revenue

There have been protests against their inclusion by the Banabans, partly because they do not want to share their wealth with the larger group.

The phosphate revenue, which notwithstanding underpayment came to sterling 2.5 million in 1974/5, has been divided between the Gilbert Islands and the Banabans in the proportion of 85 per cent to 15 per cent. In spite of this, the Banabans received six times as much as the Gilbertese per head of population.

The Banabans have now left Ocean Island because it has been made uninhabitable by extraction of the phosphate, but they continue to retain their rights over the island.

Since 1974 they have lived on Rabi Island, over a thousand miles to the south, which is part of the Fiji group. The Banabans are therefore asking for Independence in association with Fiji.

The case in London was made up of two inter-related actions which were heard together.

The first was a claim that when mining ceases in a few years time, the island should be replanted with fruit-bearing trees to repair the devastation caused by phosphate-extraction. As it would now be impossible to do this, damages were awarded instead.

The second claim, which was the important one, was unsuccessful. This was for 21 million pound sterling to make up for the underpayment of royalties.

The claim involved two transactions by which the price of phosphate had been fixed.

In 1931, the price was agreed between the Resident Commissioner of the Gilbert and Ellice Islands and the purchaser, who was the British Phosphate Commission.

The Commission represented three Empire Governments — the UK, Australia and New Zealand.

The Banabans' representative said that though the two parties to this transaction may have worn different hats they were in reality the same person — the British Crown. A conflict of interest was bound to arise.

The other transaction occurred in 1947. It was made

## History behind Banaban claim against British

by the Banabans' landowners directly with the Commission.

Nevertheless, it was argued that Britain, as the governing power, had the duty to see that the unworried islanders had proper expert advice in making such a deal.

In regard to each transaction, the Banabans' argument rested on the idea that the British Crown was a trustee for them and that it had failed to do its duty.

In private affairs, affecting only private individuals, the trust is a common arrangement.

A person may wish to give a complicated and difficult property, for example a farm, to someone who is too young or inexperienced or, for some other reason, unable to run it properly.

Therefore he finds another person who can run the property and who takes on the job of trustee.

His duty is to manage the farm not in his own interest but in the interest of the recipient of the gift. To attempt to enforce the duty of a trustee against a Government in a court was a new idea.

On the factual question of how well the British had behaved as the colonial power, the judge decided that they had, on the whole, behaved well.

The Phosphate Commission had made voluntary increases since 1947. And, under the present arrangements from 1975 until the end of mining in 1979, the Banabans are likely to receive more than 7 pound million sterling.

## Lack of help

Nevertheless there were blemishes. The Banabans had probably not obtained as good terms as for instance, the people of the nearby island and independent state of Nauru, which is also rich in phosphate.

Commenting on the lack of help given by the British Government in 1947, the judge said: "This could not possibly be called good Government."

It is on this remark that hopes of an *ex gratia* payment by the British are pinned.

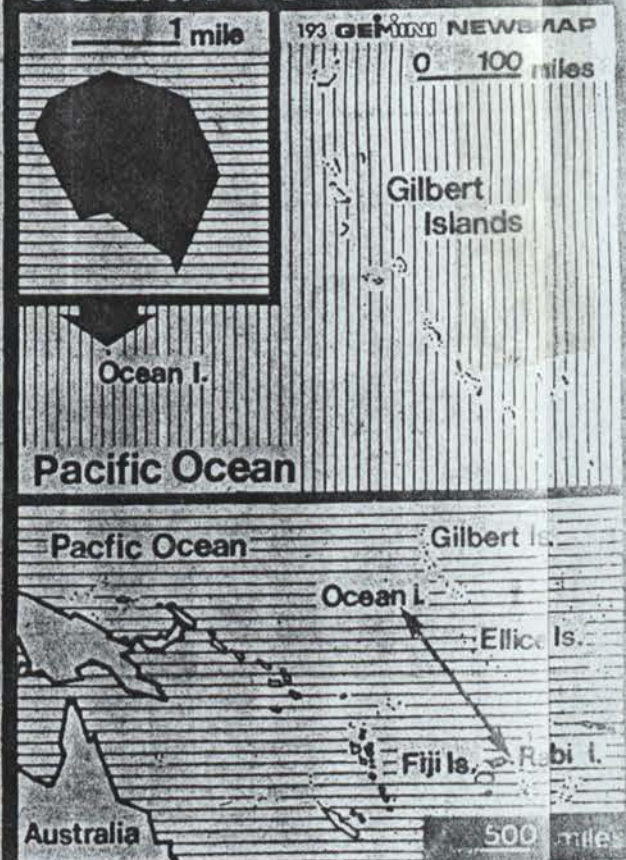
In spite of this, the point at which the Banabans lost was the legal question of whether a binding trust existed.

Although the word "trust" was used in various ordinance and Government minutes, the judge concluded finally that what was created was an obligation of government and not an enforceable trust.

Like the "pledges" which politicians make at election time, this "trust" could not be enforced by a court of law but only by political methods. In theory, those methods include the rejection of a government at the polls.

More relevant, in this case, they may also include the embarrassment of a government by a judge.

## OCEAN ISLAND



It is surprising that a case like the Banabans' claim has not happened before. Since the 18th century, when British Statesman Edmund Burke described Britain's role in India as that of trusteeship, the word has been part of the rhetoric of empire.

The League of Nations Charter too referred to its duties in regard to the colonies under its care as a "sacred trust for civilisation."

The United Nations called the colonies in its charge Trust Territories. And in certain African colonies the land reserved for the local peoples' use was called Tribal Trust Land.

On the other side of the coin from this grand language, the history of the British Empire shows that trade followed the flag and sometimes run ahead of it.

It was the Dutch who purchased Manhattan Island now the richest part of New York City, from the Red Indians for a chestful of trash and trinkets.

But there were some acts of this type in the British Empire and it is surprising that not one has tried to obtain redress for them by invoking the idea of trusteeship before a court. — Gemini News Service.



# Press Release

Issued by the British High Commission  
G.P.O. Box 1355. Suva, Fiji

## BANABANS: STATEMENT BY LORD GORONWY-ROBERTS IN THE HOUSE OF LORDS

In the House of Lords on Monday, 24 January 1977 Lord Brockway asked Her Majesty's Government what decision they had reached in response to the advice of the Vice-Chancellor (Mr Justice Megarry) in the case of the Banabans against the Crown, that the Crown should do what it considers proper in view of the fact that the Vice-Chancellor was powerless to right what he considered to be a wrong.

Lord Goronwy-Roberts made the following statement:

My Lords, Her Majesty's Government have for some time been concerned about the future welfare of the islands in this part of the Pacific and specifically the future of the Banaban community. We have for long intended to help the Banabans, subject to the results of the legal actions. Her Majesty's Government's thinking has not therefore been essentially at variance with the Vice-Chancellor's remarks about obligations towards the Banabans. We have had a number of discussions with the partner Governments of Australia and New Zealand and we put certain proposals to them last year to help the Banabans secure their future after phosphate revenues end. Our partners responded sympathetically but indicated that it would be difficult in practice to reach firm conclusions in advance of the judgments.

Our thinking and discussions have been, and will continue to be, conducted in close consultation with the Governments of Fiji, Australia and New Zealand, as well as the Gilbert Islands and the Banaban leaders. Our aim is to achieve as soon as possible a settlement which takes account of the legitimate interests of all the parties concerned in the area, including the Banabans.

To assist in achieving such a solution, including its constitutional aspects, I am arranging for Mr Richard Posnett, the former Governor of Belize, to visit the area as soon as possible and to report directly to me.

/Supplementary Question

Supplementary Questions and Answers were as follows:

C Lord Brockway: My Lords, I greatly appreciate that reply which removes some of the doubts which were raised by an article published in The Guardian last week, although that paper is so often reliable. In view of the fact that these people have, admittedly, been exploited in the interests of Australia, New Zealand and this country, and the fact that their beautiful island has been devastated as though it were the surface of the moon, will Her Majesty's Government press upon the Governments of Australia, New Zealand, and Fiji, to do everything possible with themselves to remove the appalling suffering of these people?

Lord Goronwy-Roberts: Yes, my Lords, it is our firm intention and our not inconsiderable hope that we can lead an action which will settle these outstanding questions.

Lord Shinwell: My Lords, is my noble Friend aware that an impression is gaining currency that the Government seek to evade their responsibility by passing the buck to Australia, New Zealand, Fiji and other countries? Has there not been a gross active injustice to the Ocean Islanders, and should it not be corrected immediately by providing adequate finance?

D. Lord Goronwy-Roberts: My Lords, there is no question of the Government evading responsibility. It is a question of identifying responsibility, and I shall not allow this country to be pilloried on its own for the mistakes of the past. I am anxious that it should play its full part - indeed, perhaps more than its full part - in rectifying as far as possible with others concerned the enormities of past colonial policy.

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Lord Elton: My Lords, would the noble Lord go further and confirm that the responsibility rests outside the Government of the Gilbert Islands, as the Banabans are subject to the Gilbert Islands Government, and also that recourse will not be had to them for compensation? As this injustice has gone on for a long time, like Question Time, will he take steps to ensure that it is wound up as effectively as the noble Lord the Leader of this House has wound up Question Time?

Lord Goronwy-Roberts: The only possible answer to that Question, is, "Yes, my Lords".

Lord Lee of Newton: My Lords, is my noble Friend aware that those of us who have been concerned with this matter are very grateful indeed for the reply that we have received today from him? We hope that it will result in a very fair and proper settlement for the Banabans. Is he also aware that, no matter what that settlement may be, within a few years there will be no phosphates left on Ocean Island? Therefore, is he taking into account that for revenues the Gilbertese are very dependant on their phosphates? Will he ensure that their plight is also looked after

Lord Goronwy-Roberts: Yes, indeed, my Lords. I am very grateful to my noble Friend, who is a former Colonial Secretary, for pointing out that not only the Banabans, deserving as they may be, are concerned in this matter, but that we have a responsibility for the Gilbertese and others in the Pacific Islands, and that we also have a responsibility to be fair to all concerned, not least this country.

25 January 1977

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(1)

BANABANS

In the House of Commons on 13 January 1977, Mr Michael Shersby asked the Secretary of State for Foreign and Commonwealth Affairs if he would make a statement on the intentions of the Government towards the inhabitants of Ocean Island in the light of recent legal proceedings, and Mrs Lena Jeger asked the Secretary of State for Foreign and Commonwealth Affairs what arrangements were being made by Her Majesty's Government to compensate the Banaban people for losses resulting from the exploitation of phosphate on their island.

Mr Evan Luard, Parliamentary Under-Secretary of State replied:

"Her Majesty's Government will continue their consultations with the Governments of Australia, Fiji and New Zealand, as well as the Government of the Gilbert Islands and the Banaban leaders, in their efforts to reach a solution of the problems affecting the future of the Banaban community. The comments of the Vice-Chancellor in his recent judgement will be taken into account. My Right Hon and Noble Friend said in another place on 7th December that Her Majesty's Government will do everything that is possible and in equity to help the Banaban community, as they will to help the Gilbertese community.

A Phosphate revenues paid to the Banaban community up to the middle of 1976 total some 12 million Australian dollars and on current phosphate prices they are likely to receive a further ten million Australian dollars before mining ceases."

OCEAN ISLAND: BRITAIN MUST DO HER MORAL DUTY.

"It seems to me that I am powerless to give the plaintiffs any relief in these matters...But in litigation against the Crown in which the Attorney General is a party I think a Judge ought to direct attention to what he considers to be a wrong that he cannot right and leave it to the Crown to do what is considered to be proper. Accordingly I draw the attention of the Attorney General to the matters of criticism that appear in this judgment, and in particular the two that I have just mentioned".

The Hon. Sir Robert Megarry, Vice-Chancellor, in his judgment on the Banabans' action against the Crown.

In their painfully long and expensive lawsuits brought against the British Government and Phosphate Commissioners, the Banabans, as the Times rightly reported on December 4, won "a clear moral victory in court but little money". In essence the issue always was one of morality not money since the action taken against the British Government came only after years of pleading by this little community for the restoration to them of their ancestral homeland, Ocean Island.

Call for a fresh start was ignored.

In his impeccable judgment, Mr. Justice Megarry went to the heart of the matter. In directing the Attorney General's attention to grave breaches in the obligations of past colonial administrations towards the Banabans which his court was unable to remedy, he returned this issue to the political sphere from which the government should never have allowed it to depart in the first place.

In April, 1975, accompanied by Mr. John Lee (Labour, Handsworth), I visited the Pacific at the invitation of the Banabans. We found their initially startling claims of ill-treatment at the hands of Britain to be fully justified. We reported to the secretary of state in full on our return, and called for immediate talks between the governments of Australia, New Zealand, Fiji and the United Kingdom with a view to wiping the slate clean and making a fresh start.

We recommended that this should be done irrespective of the cases which were even then before the High Court. The joint recommendations we made were ignored. Now, 20 months later, and after the expenditure of legal fees reported to amount to close on a million pounds, the judge has drawn the Government's attention to the moral and political obligation towards this small people of which the Foreign and Commonwealth Office has been aware all along. These had been set out carefully in our joint report, which found wide acceptance throughout the Pacific, Australia and New Zealand, where the issues were well understood.

Consider the Banabans' grievances. Mr. Justice Megarry described the outrageous attempt to persuade them in 1928 to part with land which they did not wish to lease for excavation. He condemns the manner in which the resident commissioner, who threatened the destruction of their village and the compulsory acquisition of their land at "any old price" actually exercised the duty of prescribing the Banabans' royalties once their land had been compulsorily purchased.

Even greater damage was done to Banaban interests when they were induced in 1947 to part with virtually the remainder of Ocean Island. In disposing of the last two-fifths of their homeland they were allowed by the colonial administration no expert advice. As Mr. Megarry pointed out in possibly his severest stricture on Britain's behaviour, the Banabans had at that time recently suffered grievous hardships under the Japanese during the war, had been uprooted from their homeland without being able to return to see what state it was in, were transplanted to an unknown environment in Fiji with a markedly different climate living in temporary makeshift accommodation and many of them were ill.

In these circumstances, even the adviser appointed to them

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## MP calls for generous deal for Banabans

LONDON. — A Conservative MP yesterday called on the British Government to deal "quickly and generously" with the Banaban islanders.

The islanders were last month awarded unspecified damages for the devastation of their home, Ocean Island, by British phosphate mining.

In the British High Court, Mr Justice Megarry dismissed their 21 million sterling claim but said they should get damages.

### RUNNING OUT

He left the figure to be worked out between the phosphate commissioners and the islanders.

Yesterday, writing in the Times, the MP, Sir Bernard Braine, said: "The judiciary has now invited the executive to right a wrong and it will be the duty of Parliament to ensure that this is done."

But he added that as Britain planned to leave the Pacific region soon, time was running out.

"Such a settlement must be concluded before we part with any of our power to make decisions," he wrote.

Sir Bernard, who visited Ocean Island at the invitation of the Banabans in 1975, said it was now also time for the Government to heed the Banabans' petition for the separation of Ocean Island from the Gilberts colony, now on the verge of independence.

"Most Banabans are residents and citizens of Fiji and wish, therefore to see

their homeland back under their own sovereign control and in free association with Fiji," he wrote.

He said Fiji favoured this move and if Britain left this problem unresolved it would leave a festering wound in a faraway region which it should be leaving with its head held high and reputation untarnished.

### SOLD CHEAPLY

"Only monetary self-interest can influence the Foreign Office and Treasury to continue to oppose the morally just and politically wise separation," he wrote.

"Banaban phosphates, which were sold below world prices to Australian and New Zealand farmers, and from which Britain, too, has benefited for three quarters of a century, are all but exhausted.

"We have literally consumed Ocean Island.

"The Government must heed Mr Justice Megarry's unprecedented appeal and deal generously with the Banabans, both financially and politically." — AAP

10 by the British Government of the day was prohibited from  
helping them negotiate the disposal of a quarter of a century's  
11 phosphate deposits. In short, a small people for whom Britain  
had a moral responsibility were talked into signing an  
agreement without any provision for subsequent revision in the  
light of changing circumstances.

12 This failure to give our wards the advice which any competent  
businessman or professional adviser would have given them at  
the time has resulted in their suffering substantial losses  
over the years.

The judiciary has now invited the executive to right a wrong,  
and it will be the duty of Parliament to ensure that this is  
done. Time, however, is running out, Britain plans to leave the  
Pacific very shortly. Such a settlement must be concluded before  
we part with any of our power to make decisions. Thus, the time  
has come for the Government to heed the Banabans' petition  
for the separation of Ocean Island from the Gilberts Colony,  
now on the verge of independence. Most Banabans are citizens  
and residents of Fiji, and wish therefore to see their homeland  
back under their own sovereign control and in free association  
13 with Fiji. The people and government of Fiji are known to favour  
this solution, and await Britain's decision with some  
impatience.

An error that would sour relations.

14 For Britain to disregard the feelings of the largest  
independent state among the Pacific islands, to deny the  
15 Banabans the right to be their own masters in their ancestral  
homeland of Ocean Island, and to leave this part of the world  
with a problem unresolved, would be an abdication of  
responsibility on our part and a grave political error of  
16 judgment. It would sour our hitherto excellent relations with  
17 Fiji (where we have already witnessed a huge anti-British  
demonstration and trade union action aimed at British  
diplomatic communications), and leave a festering wound in a  
faraway region which Britain should be leaving with her head  
high and reputation untarnished.

Only monetary self-interest can influence the Foreign Office  
and the Treasury to continue to oppose the morally just and  
politically wise separation of the Banaban homeland from the  
Gilbert Islands, thus severing a link forged by Britain in  
1916 purely for her own administrative and financial  
18 convenience. Banaban phosphates, which were sold below world  
prices to Australian and New Zealand farmers and from which  
Britain too has benefitted for three quarters of a century,  
are all but exhausted. We have literally consumed Ocean Island.  
The government must heed Mr. Justice Megarry's unprecedented  
appeal and deal generously with the Banabans. This, indeed, is a  
moral issue.

Sir Bernard Brainin,

(The author is Conservative M.P. for Essex, South-East).

The London Times January 12, 1977.

The Banabans and the Gilbertese.

From the General Secretary, Council for World Mission,  
(Congregational and Reformed).

- Sir, We should all be grateful to Sir Bernard Braine for his article on Ocean Island (The Times, January 10) and to James Cameron for a television film on the same subject. It is not often that the small population of a distant speck on the map gain such a sympathetic hearing in Britain.
- That there has been a case of exploitation under the British Colonial system there can be no doubt. The benefit accruing to Britain was the cheap food we were able to import from Australia and New Zealand, subsidized by Ocean Island's cheap fertilizer. Britain must attempt to put things right.
- Unfortunately the present publicity focuses solely on the Banabans and not on the Gilbert Islands as a whole. The Banabans and the Gilbertese were one people, one in language and tradition, one by intermarriage, so it was not just a commercial trick to include Ocean Island within the boundaries of the Gilbert Islands colony. The phosphate was regarded quite properly as a resource for all the Gilbertese with separate royalties going to those who directly owned the Ocean Island land itself.
- To speak now of separation for Ocean Island is a blow to the Gilbertese. Britain cannot escape from her Pacific entanglements by taking a narrow view of her responsibilities. It will be up to Pacific people themselves to find a reconciliation of interests, but perhaps Britain may allay fears by adopting a policy such as the following:-
1. With the Governments of Australia and New Zealand, Britain should ensure that the British Phosphate Commissioners make generous provision in lieu of making good the surface soil of Ocean Island.
  2. With this resource behind them the Banabans should be given freedom to resettle on Ocean Island if they wish to do so.
  3. The Gilbert Islands Government should be informed that Britain does not recognize independence for Ocean Island at the present time.
  4. Britain should expedite the independence of the Gilbert Islands, and seek an agreed timetable, perhaps two or three years after independence, for a referendum among Banabans who live in Rabi or Ocean Island on the question of independence for Ocean Island; the majority wish to be respected by all Pacific peoples.
- Putting right an historic wrong is always very difficult; we are liable to create new injustices. Therefore the British Parliament should not be hustled into adopting a short term and narrow view of our obligations.
- Yours  
Livingstone House,  
11 Carteret Street,  
London, S.W.1.  
BERNARD THOROGOOD,

JUSTICE FOR THE BANABANS.

The sad and dignified struggle of the Ocean Islanders, or Banabans, to try to correct injustices which they claim have been perpetrated on them over a period of many years, has brought them a wide measure of public and some parliamentary sympathy. Their shabby treatment at the hands of successive British colonial authorities has also been criticized by the High Court judge who spent the best part of three years trying the actions which the islanders brought against the British Government. He was unable, in law, to grant them anything more than a small part of the compensation which they sought, but made it clear that he thought their moral case was a strong one. Their original homeland, Ocean Island, has been laid waste by mining operations for phosphate, and they have lived elsewhere for more than thirty years on Rambi, near Fiji.

Some of the riches from those operations have been given to them in the form of royalties from sales, but much more has gone to Britain, Australia and New Zealand, although much of the profit accruing to Britain has in fact been ploughed back into the administration of the former Gilbert & Ellice Islands, of which Ocean Island is, constitutionally, a part. The Banabans have a strong case for saying that they have systematically been paid less than their fair share from the benefits of the phosphate on their island, and they look jealously on the citizens of Nauru who, similarly dispersed from their phosphate-rich home, have attained substantial wealth.

The financial claims of the Banabans are accompanied by a claim for political and constitutional independence from the Gilbert Islands. The British Government, while not shutting the door completely, has been less than enthusiastic. It has to consider too the rights of the Gilbert Islands, which are now self-governing and likely to obtain independence within two years, and those of Tuvalu, formerly the Ellice Islands, which broke away from the Gilberts in 1975. Both of these groups have only limited economic potential and they have in the past relied heavily on funds from phosphate royalties to keep them going. Those royalties will come to an end in about three years when the phosphate on Ocean Island runs out.

Moreover the British Government can point justifiably to the fact that while the Banabans have, in absolute terms, received a small proportion of total phosphate royalties, if looked at per capita, the islanders have not done all that badly, and have, on their own admission squandered or invested injudiciously much of their income. The British Government must also have in mind the possibility of Ocean Island regaining economic potential through, for instance, fisheries under the forthcoming international 200 mile limit.

The Banabans cannot have it all ways. If they accept a settlement from the British Government, choose to go on living in Rambi (which is the only home which most of them have known) and achieve independence, or whatever association with Fiji is considered appropriate, they cannot at the same time retain their sovereign rights over Ocean Island. That does not mean that they ought not to be allowed to keep their rights as landowners, and to continue to have the right to enter and stay on the island. It would be unjust, however, in effect, for the flag of Fiji to fly from the scarred face of Ocean Island. Within those limits, there would be no reason for the British Government to oppose the Banaban wish for separation from the Gilberts. It should in any case make a generous payment to the islanders - in whatever form would be most advantageous to them - as compensation for the substantial moral, if not legal, wrongs it has done them in the past.

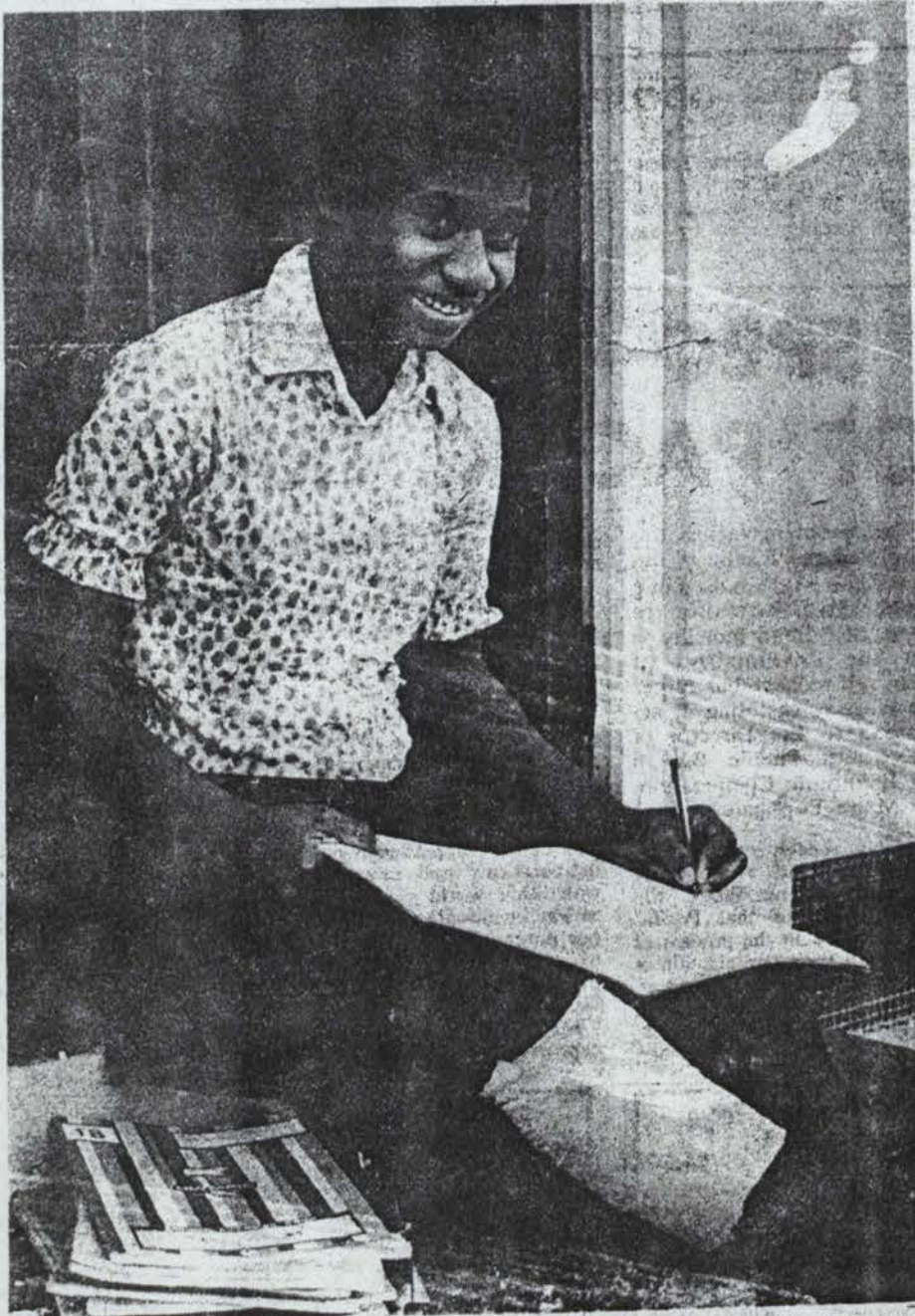
# FIJI MAY EXPOSE BRITAIN AT UN

PM warns  
UK on  
Banabans

LONDON. — Fiji has warned Britain it will take the Banaban Islanders' case to the United Nations if Britain "funks" over negotiations for a settlement, according to a document reported yesterday to be in the hands of the Guardian newspaper.

The document is described as an account of a meeting held last month in Suva between the Fiji Prime Minister, Ratu Sir Kamisese Mara, and British Foreign Office envoy Mr Richard Posnett.

## ANE KEEPS SMILING



"I FEEL terribly weak," but 14-year-old Ane Rasau manages a smile at home where she is recovering after being speared with a javelin during the Suva zone athletics meeting at Buckhurst Park on Monday.

Ane, a form three student at Ratu Sir Lala Sukuna Memorial School, was crossing the javelin com-

petition area at the far end carrying three bottles of soft drinks for officials when a javelin thrown by one of the competing boys pierced her right calf.

"I couldn't feel a thing when it hit me," she told the Fiji Times yesterday. "I was momentarily stunned. I looked back and saw the javelin stuck into my calf with the sharp end sticking out."

She did not fall. Nearby of-

ficials ran to her aid, pulled out the javelin and gave her first aid.

Ane said she could have lost more blood without the prompt action of the officials.

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The Fiji leader's threat to launch an international campaign against Britain is said to be similar to the tactics adopted by another phosphate island, Nauru, in the 1960s.

Nauru severely embarrassed the Australian Government, which then administered the island, the report said, and the 4000 Nauruans eventually extracted a highly favourable financial settlement as well as independence from Canberra after Australia had been "pilloried in the United Nations and other international organisations."

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But it ended only in moral victory, with the high court leaving the amount of compensation to the British Government.

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"This would have enabled the FCO to brand the Banabans as greedy and to offer a much lower sum," Private Eye said.

### \$70 MILLION

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This was about \$70 million, plus another \$25 million which Australia and New Zealand had saved by being able to get the phosphate at below the world market price.



ELECTION  
SCOREBOARD

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### WEATHER

Forecast: Mainly fine.  
Details Page 16.

On Page 24:

FIJI'S LEADING NEWSPAPER

● Catarogo faces tough test

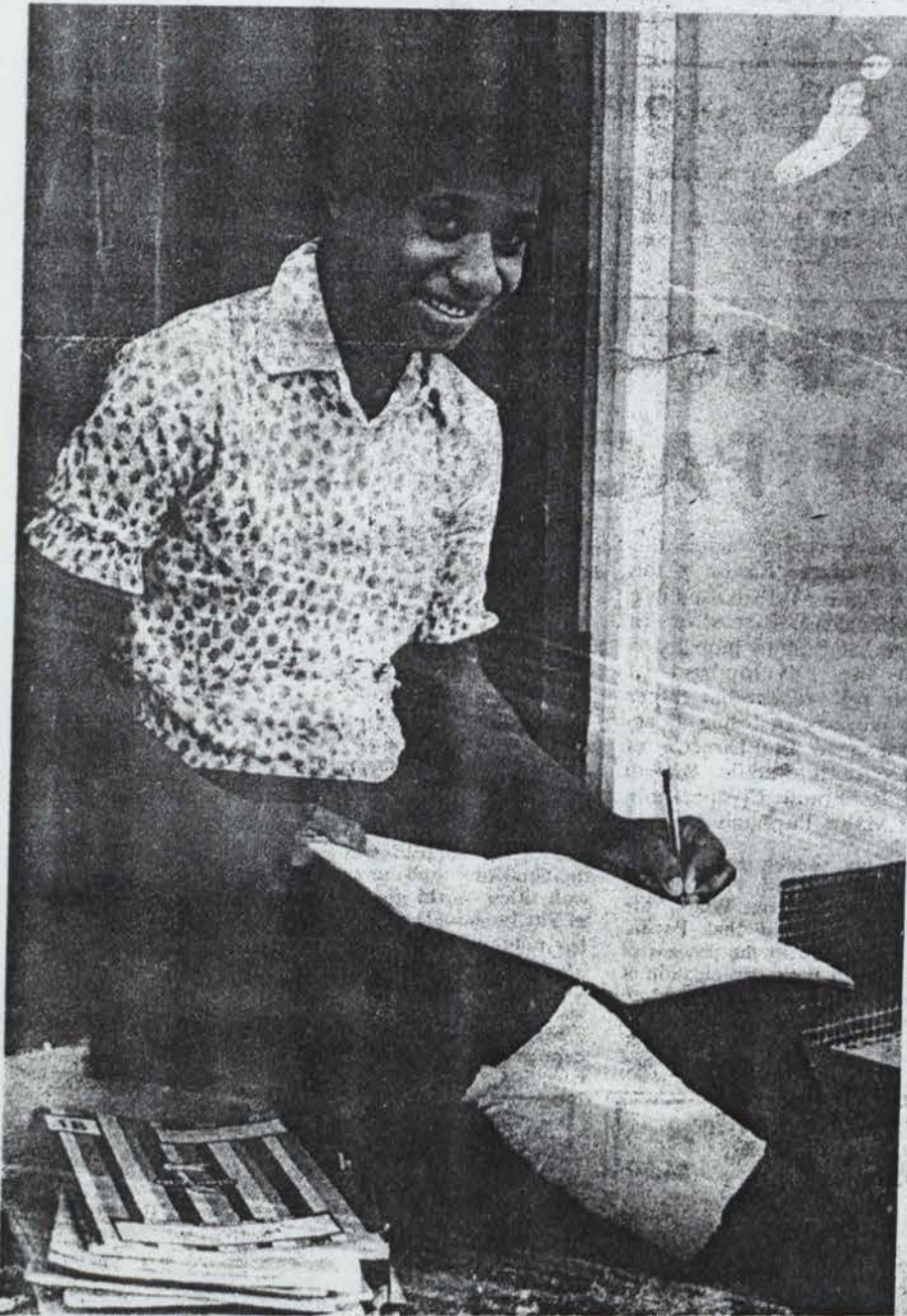
# FIJI MAY EXPOSE BRITAIN AT UN

M warns  
K on  
anabans

LONDON. — Fiji has warned Britain it will take the Banaban Islanders' case to the United Nations if Britain "funks" over negotiations for a settlement, according to a document reported yesterday to be in the hands of the Guardian newspaper.

The document is described as an account of a meeting held last month in Suva between the Fiji Prime Minister, Ratu Sir Kamisese Mara, and British Foreign Office envoy Mr Richard Posnett.

## ANE KEEPS SMILING



"FEEL terribly weak," 14-year-old Ane Rasau manages a smile at home where she is recovering after being speared with a javelin during the Suva athletics meeting at Ckhurst Park on Monday. Ane, a form three student at Ratu Sir Lala Sukuna Memorial School, was missing the javelin com-

petition area at the far end carrying three bottles of soft drinks for officials when a javelin thrown by one of the competing boys pierced her right calf. "I couldn't feel a thing when it hit me," she told the Fiji Times yesterday. "I was momentarily stunned. I looked back and saw the javelin stuck into my calf with the sharp end sticking out." She did not fall. Nearby of-

ficials ran to her aid, pulled out the javelin and gave her first aid. Ane said she could have lost more blood without the prompt action of the officials. "I began to feel a throbbing pain when I was carried into a car which took me to hospital," she said. "I didn't cry — I guess I was in a state of shock. "Even now I am still trying to get over it."

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### ELECTION SCOREBOARD

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### WEATHER

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Catarogo faces tough test



defence if he is brought to trial, or the best way to demand his release if he is not to be tried. If the Russians refuse to let Mr Macdonald go to Moscow, he will then in effect conduct Mr Orlov's defence from London. The necessary items of evidence—what the Orlov group did, the reports it produced, the careful way it kept its actions within the confines of Soviet law—are available in Britain. The Soviet government has

failed to silence Mr Orlov by arresting him, because the result has been to transfer his case to the court of western opinion. The issue now is Soviet law, and the Soviet authorities' willingness to respect that law. If Mr Brezhnev wishes to avoid the accusation that he lets Soviet citizens be arrested for nothing more serious than criticising their government, he will order Mr Orlov's release.



## How long, oh Lord, how long?

If parliament takes two years to implement its own decision to broadcast itself, because it cannot find desks for 40 people, it is led by a slowcoach

Britain's house of commons has sovereign power to run its own affairs, as well as to run the country. It is not advertising its capability to do so very brightly by the delay it is chaotically creating for the radio broadcasting of its proceedings. Its members decided more than a year ago to allow this cheep for democracy, while unfortunately and timidly still keeping out the television cameras. But parliament is still unheard, mainly because the organisation of the house looks like taking two years to flounder with the sort of problem which most heads of major businesses would settle in a few minutes with a single memo: namely the siting of office space for about three dozen people.

At first, paradoxically, matters moved with commendable speed. It took less than four months after the commons gave the go-ahead in February, 1975, to organise the first public experiment of sound broadcasting of parliament. The month-long experiment was widely regarded as a success, with few teething problems. When MPs decided, on March 1st last year, by 299 votes to 124, to make the experiment permanent few of them suspected that it would take more than another month or two for parliament to get back on the air.

### Where the problem isn't

Yet 13 months later the microphones are still silent. The earliest estimate of when they will be switched on is this autumn, and many MPs fear that at least another year will go by. The delay is not due to technical problems. The cramped commentary boxes during the experiment have been replaced by permanent structures erected during last year's summer recess. The bogus problem of who should be in charge of the production (a special parliamentary unit, the BBC or the IBA and Independent Radio News?) has proved very easy to resolve. A report\* this Wednesday from a committee of both houses of parliament says that the IBA and IRN have agreed that the BBC should have this responsibility, with the output made freely available to independent local radio stations and ITV, and with a joint committee of both houses established to oversee the arrangements. Live transmissions from parliament are expected to be relatively infrequent—though Dr David Owen's statement this week on his African tour would have been a likely candidate. The major use will

be of recorded extracts in daily reports on parliament and in radio news and current affairs programmes and in television news bulletins—sound only.

None of the other problems—concerning the broadcasting of committee proceedings, copyright, parliamentary and legal privilege and the establishment of a sound archive—raised real difficulties. The committee has produced unanimous recommendations on all these points.

The problem has been one of too many cooks. The inclusion of the lords forced the joint committee to proceed at the slowest pace of both houses. But the major delay has been caused by an impasse between (a) the joint committee, (b) the house of commons services committee and (c) the treasury, over where to accommodate the broadcasting staff, who, together with typists, recording engineers, etc, would probably be 30-40 people.

There is no shortage of possible sites. The environment department proposed three possibilities for permanent accommodation and no fewer than eight for temporary accommodation. The joint committee, which wants to get on with the job, opted for one of the temporary alternatives, which involves erecting possibly unsightly huts on Cromwell Green, a once attractive patch alongside Westminster Hall, which is now dominated by builders' huts and a boarded-up statue of Cromwell. The services committee objects to the use of Cromwell Green for aesthetic reasons; it proposes instead a permanent provision in the Norman Shaw South building on the embankment (formerly the home of New Scotland Yard). Too expensive, says the treasury, which balks at the estimated £200,000 (which would also provide some extra accommodation for MPs). The treasury would like the broadcasters to pay part of the capital cost, but the BBC and IBA refuse on the ground that the cost of facilities provided for the press is not borne by newspapers.

Mr Michael Foot, the leader of the commons and chairman of the services committee, has a duty to act. The best solution is buried in Appendix 9 of the joint committee's report. Another of the environment department's proposals for temporary accommodation was that it should be sited in Number 1 Bridge Street—just across the road from Big Ben. It would take four months to do the job, no ugly huts would need to be built, and the cost would be just £30,000.

\*Second Report, Joint Committee on Sound Broadcasting. House of Commons Paper 284. £1.85p.

# Fiji warns Britain on island row

In secret talks, Britain has been severely criticised over its handling of the protracted dispute with the Banaban community and warned by the Prime Minister of Fiji that an international campaign may be launched against the Government.

In private meetings with a Foreign Office emissary, Sir Kamisese Mara, one of the most influential leaders of the Pacific community, said that the issue would be taken to the United Nations if Britain "funked" over negotiations for a settlement.

An account of the meeting, in the possession of the Guardian, reveals suspicions that Britain has deliberately sabotaged efforts towards a settlement with the 3,100 Banabans, whose tiny homeland of 1,500 acres in the west Pacific was destroyed by phosphate mining.

At one point the Fijian Prime Minister points out another suspicion, long held by the Banabans, that Britain is

delaying a settlement until the rest of the highly priced phosphate on their homeland of Ocean Island is extracted.

The talks between Sir Kamisese Mara and the Foreign Office emissary, Mr Richard Posnett, took place on February 24 in Fiji. Mr Posnett, a former colonial governor acting as personal representative of the junior Foreign Office Minister, Lord Goronwy Roberts, has now returned to London. He spent more than a month in the Pacific region in talks with Australia, New Zealand, Fiji, and other regional administrations over the complex question of a financial settlement.

The Fijian Prime Minister has a lot of influence in the Pacific region, and his threat is not being taken lightly by the Foreign Office. Another phosphate-rich island, Nuaru, adopted the same tactics in the sixties, severely embarrassing the Australian Government, which then administered the island. The 4,000 Nuaruans ulti-

By CHRISTOPHER SWEENEY

mately extracted a highly favourable financial settlement as well as independence from Canberra, after Australia had been successively pilloried at the UN and other international organisations.

For more than 50 years the Banabans have been fighting the British Government over the destruction of their island by the British Phosphate Commissioners. The campaign has included a High Court battle which proved to be the longest and costliest in British legal history.

Although the Banabans won a moral victory, the Vice-Chancellor, Sir Robert Megarry, in the High Court left the question of compensation payments to the Government. The Banabans, and now the Fijians, have all along claimed that Britain would not pay compensation as it would open the doors for a host of other claims from

former colonial dependencies exploited economically in the past.

The confidential documents in the possession of the Guardian also reveal that the Banabans had made a request for the integration or association of Ocean Island into Fiji. However, this would depend on British agreement, as the island, off the coast of New Guinea about halfway between Australia and California, is regarded by Westminster as part of the Gilbert Island confederation.

For years the Banabans have opposed this, claiming that the Gilberts have been soaking off their royalty payments. According to agreements reached in 1947 and 1973, the Gilberts get 85 per cent of the Banabans' payments for the phosphate mining.

In the secret talks the Fijian Prime Minister implies that Britain may have deliberately sabotaged relations between Fiji and the Gilberts. Sir Kamisese Mara said that Fiji

could no longer act as intermediary between the Gilberts and the Banabans. In future, his government would act as the Banaban adviser.

The prospect of an international campaign at the UN and elsewhere against Britain has clearly worried the Foreign Office. Yesterday the Foreign Office said that a report from Mr Posnett was still being studied.

Fiji, despite its geographic isolation, has considerable diplomatic muscle in the Pacific and parts of the Third World. It could also use the coming Commonwealth Prime Ministers' conference in London to embarrass Britain.

Australia and New Zealand, who have both urged Britain towards a settlement in the past, are also looking askance at being caught in a fight between Fiji and the rest of the Pacific community and Britain. This region is important to Wellington and Canberra in their foreign policy outlook.

FIJI TIMES 24/5/77

# Statement due on Banabans

LONDON. — A statement is expected soon on the British Government's intentions towards the Banabans after their marathon lawsuit over the devastation of their homeland by phosphate mining, a High Court judge was told yesterday.

Mr John Vinelott, for the Crown, told Vice-Chancellor Sir Robert Megarry that high-level discussions had been taking place on the future of the Banabans and the Gilbert and Ellice Islanders.

The expected statement would relate to their long-term economic development, he said.

The judge provisionally earmarked July 4 for a hearing to decide the amount of damages the Banabans should receive from the British Phosphate Commissioners, and other outstanding matters of their legal action.

He was told no agreement had been reached on the amount of compensation they should get from the commissioners, held liable to the islanders for their failure to replant mined parts of Ocean Island with trees.

Mr John MacDonald, for the islanders, said it was hoped that in the light of the Government statement it would be possible for some agreement to be worked out. — AAP

# GOVT TO MOVE SOON ON BANABANS

LONDON. — The British Government would make a statement in about a month on the problems of the Banabans, Foreign Office Junior Minister, Mr Evan Luard said in Parliament yesterday.

Several politicians had urged the Government to find a settlement to the problem of the islanders.

The British Council of Churches meanwhile strongly criticised the Government and the Foreign Office over its treatment of the Banabans.

The council called on the Government to make a generous financial settlement to the islanders.

The council also indirectly criticised the governments of Australia and New Zealand, which received phosphate from Ocean Island at cheap prices from 1919 onwards but as the controversy continued over compensation had stalled over making a settlement.

The resolution calls for a constitutional conference in the Pacific area between interested governments. — AAP-Reuter.

FIJI TIMES 24/5/77

# FIJI URGES UK: HURRY UP

## Banaban question gains urgency

Fiji has asked Britain to help it to avoid spoiling its friendship with the Gilbert Islands, by making a quick decision on the future of Ocean Island.

And it has warned that if the decision is delayed for much longer, the Banabans will believe that there is a deliberate move to postpone matters until the island's phosphate deposits are worked out.

In a statement to the United

Nations Colonialism Committee in New York, Fiji spokesman Mr Aryoday Lal praised British efforts to prepare the Gilbert Islands for independence next year.

But exclusion of the Banabans from talks last year on constitutional advances for the Gilberts "have only served to exacerbate the fears of the

Banabans about their future in Ocean Island," he said.

Fiji appreciated British efforts to hold consultations with the Banabans this year by sending an envoy to Rabi to discuss the Ocean Island question with them.

But the Banabans felt strongly that the island should be separated from the Gilberts

before the Gilbertese got independence.

Fiji already had said it was willing to accept a special constitutional arrangement with Ocean Island if Britain agreed.

British assurances regarding phosphate mining on the island were encouraged, he said.

But it was vital that Britain made a decision on the island's political future as quickly as possible.

"We are keen to avoid a situation which would mar our relations with our Gilbertese friends," Mr Lal said.

# Statement shortly on Banabans

The Government will make a statement within a month or so on the subject of possible compensation to the Gilbert Islands and Banabans, Mr Evan Luard, Under Secretary for Foreign and Commonwealth Affairs, indicated in reply to questions on what progress there had been towards a settlement. The constitutional position of Ocean Island would also be covered by the statement, he said.

Mr Paul Dean (North Somerset, C) asked what progress was being made in the discussions between the British Government and the Australian and New Zealand Governments towards a satisfactory settlement for the Gilbert Islands and the Banabans.

Mr Luard (Oxford, Lab)—Close consultations are continuing with the Australian and New Zealand Governments. Mr Richard Posnett, the emissary appointed to visit the area and to report to the Government, had discussions in Fiji with

the Prime Minister and with the Banaban community. He also had talks in the other countries concerned.

As soon as our consultations are complete, we will advise the House of their outcome.

Mr Dean—While welcoming that reply, does Mr Luard accept that a satisfactory financial settlement is vital to the Gilbert Islands and the Banabans, especially when phosphate revenue ceases?

Can he give an assurance that the Government are seeking the agreement of the Australian and New Zealand Governments about the future of the accumulated reserves of the Phosphate Commission?

Mr Luard—I agree that the position that will come about when the phosphates are exhausted, which is only in about two years' time, will create difficulties not only for the Banabans but for the Gilbertese.

We have been pursuing consultations with the Australian and

New Zealand Governments on that question, including the possibility Mr Dean has mentioned.

Sir Bernard Braine (South East Essex, C)—Some five months have elapsed since the judgment in the Banabans versus the Crown case. The vice chancellor drew attention to the grievous wrong done to a defenceless people which his court was powerless to put right.

How much longer do they have to wait before justice is done?

Mr Luard—I do not think the judge used the words "grievous wrong". He suggested that the conduct of the British Government in an earlier period was not all it might have been perhaps.

Lord Goronwy-Roberts, Minister of State for Foreign and Commonwealth Affairs, hopes to be able to announce a decision within the next month or so. The constitutional future of Ocean Island is one of the important matters that have been considered. The statement, when it is made, will also cover that point.

FIJI TIMES 24/5/77



HALF the Banaban Council of Leaders (from left) Area Tekinene, chairman Rotan Tito, Burentau Tabunawati and Kariatabwewa Tabuariki prepare for a meeting with the other five council members today to discuss Britain's offer of \$10 million.

*FIJI TIMES 31/5/77*

# Rabi leaders hit out at one-sided'propaganda

The Banabans resented constant attempts by Britain to present a one-sided view of the financial benefits from Ocean Island and phosphate, Banaban spokesman Thomas Teai said yesterday in Suva.

Banaban leaders flew into Suva yesterday to discuss an offer of \$10 million from Britain, Australia and New Zealand to settle their Ocean Island claims.

They would issue a statement on the offer as early as possible, Mr Teai said. He said Britain was "at it again" trying to give a one-sided picture of the Banabans' financial benefits.

Britain is trying to infer that we are motivated by greed.

"This is a much-used propaganda ploy which one we have become used to rebutting."

The Banabans have received \$7,500,000 in phosphate revenues already paid and will receive another \$10 million before the agreement ends by about 1980. They will accept the \$10 million ex-gratia

payment offer, it will make a total of \$27,500,000.

Any payments made by the British Phosphate Commission as compensation for damages would be in addition to this.

"What the British Government did not say was that Britain had taken something like \$90 million from Banaban phosphate to help administer the Gilbert Islands Colony," Mr Teai said.

"British officials arranged matters in such a way that Britain's financial responsibilities towards the Gilberts were discharged at the expense of Ocean Island's single wasting asset rather than at the expense of the British taxpayer."

In other words, the vast majority of the proceeds from the Banabans' single wasting asset was diverted by Britain for the benefit of others, he said.

In addition, Banaban phosphate benefitted Australian and New Zealand farmers to the tune of \$28 million.

"We understand also that Britain has been able to accumulate a reserve fund for the Gilberts of over \$40 million," Mr Teai said.

"All this has come from our phosphate

"We were bullied and tricked into allowing this benefit to flow in increasing volume to the British Crown at our expense and that of future generations of our people," he said.

The British Secretary for Foreign and Commonwealth Affairs, Dr David Owen, said in the House of Commons that Banaban leaders had pressed for independence for Ocean Island and later wanted it to be part of Fiji.

The Gilbert Islands felt strongly that the island should continue to be part of the Gilberts, as it had been for most of this century, he said.

Ocean Island was 240 miles from the Gilberts and 1400 from Fiji.

There were strong legal constitutional and historical objections to making territorial changes, Dr Owen said.

"There can be no perfect solution, but given goodwill there can be an agreed compromise," he said.

But not final decisions would be reached before a pre-independence constitutional conference for the Gilbert Islands.

The Banabans would be invited to this

# Banabans discuss \$10m offer from Britain

*FIJI TIMES Monday 30/5/77*

Banaban leaders were meeting in Suva late yesterday to consider an offer of \$10 million from Britain, Australia and New Zealand to settle their Ocean Island claims.

A statement is expected from the Rabi Council of Leaders today on the offer, announced in the House of Commons on Friday by the British Secretary for Foreign and Commonwealth Affairs, Dr David Owen.

The British Government's offer provoked criticism from Government and Opposition MPs in the House of Commons.

Sir Bernard Braine said the sum offered was only one-fifth of what the Banabans would have earned if they had been given proper advice and information in 1947.

The Banabans want Ocean Island, detached from the Gilberts group when they become independent and have been pressing for about \$100 million in compensation and extra royalties for the damage done by phosphate mining operations on Ocean Island.

A statement from the British Government said there were about 2000 Banaban people living in four villages. They had received about \$7,500,000 in phosphate revenues in the past three years and would receive an estimated \$10 million before mining opera-

tions finish in 1979 or 1980.

The phosphate commissioners had to pay about \$27,500,000 in damages, and the \$10 million now offered by the phosphate commissioners, Britain, New Zealand and Australia was in addition to these payments.

Dr Owen said the money would be given on condition that no further claims would be made arising out of past events.

He said the money was not payment for damages, but financial help for the Banabans to secure their economic future when phosphate revenues ceased.

The money would be used to establish a fund for the benefit of the Banaban community as a whole.

## WEATHER

Forecast: Isolated showers. Details Page 10.

On Page 16:

**FIJI'S LEADING NEWSPAPER**

● **Ba top soccer league ladder**

# Gilberts welcome UK line on Banabans

The Gilbert Islands Government has interpreted British Parliamentary statements on the Banabans as meaning Ocean Island will continue to remain part of the Gilberts.

A Gilbertese Government statement said the Gilberts welcomed the statement by the British Secretary for Foreign and Commonwealth Affairs, Dr

David Owen, to the effect that Ocean Island would continue to remain part of the Gilbert Islands state.

In his statements, Dr Owen said there were strong legal, constitutional and historical objections to making Territorial changes involved in detaching Ocean Island from the Gilberts.

The Banabans have been seeking independence from the Gilberts and lately considered attachment to Fiji.

solution, but given goodwill there could be an agreed compromise, Dr Owen said.

There had been discussions with Gilbertese ministers about additional guarantees and safeguards which could assure the Banabans of a special autonomous position for Ocean Island with the Gilberts, he said.

The Gilbertese Government statement said that two years ago the Chief Minister, Mr Naboua Ratieta, made a generous 15-point offer to the

Banabans which still held good. In the light of Dr Owen's statement the government would reconsider the statement with a view to revising and perhaps expanding it.

The Government would continue to advance the interests of all the inhabitants of all the islands, including members of the Banaban community living on Ocean Island or Rabi Island in Fiji, the statement said.

The Rabi Council of Leaders is continuing to meet in Suva to

consider the offer of \$10 million from Britain, New Zealand and Australia to settle their Ocean Island claims.

In a statement issued late yesterday the council said the 15-point offer was rejected in its entirety.

It fell far short of creating a situation in which the Banabans would be able to exercise sovereignty over Ocean Island, their ancestral homeland, and

the only revision which would be of interest to the Banabans

would be one providing for self-determination for Ocean Island.

"We have already indicated that self-determination for our homeland would include agreements for economic and financial co-operation between Ocean Island and the Gilberts," the statement said.

"We want to do things in the spirit of the Pacific Way and such co-operation would be a manifestation of this spirit."

THE FIJI TIMES - WEDNESDAY, JUNE 1, 1977 3

## Banabans see

## PM about

## London talks

Banaban leaders yesterday met the Prime Minister, Ratu Sir Kamisese Mara, to discuss their call for independence of Ocean Island.

The question of independence for phosphate-rich Ocean Island will be raised at a Commonwealth Heads of Government meeting in Londong next week which Ratu Sir Kamisese will attend.

Ocean Island is seeking associate independent status with Fiji.

### NO OPTION

Asked whether he felt the Banaban issue would be raised at the Commonwealth heads meeting, Ratu Sir Kamisese said there was no option, because the British Prime Minister and Foreign Minister wanted to raise the issue.

The British Phosphate Commissioners, representing Britain, New Zealand and Australia, have offered the Banabans \$10 million for the ravaging of

## Banaban leaders adjourn meeting

The Rabi Council of Leaders postponed their meeting yesterday to await information from their team of advisers in London.

The eight-member council has been meeting in Suva for the past two days to consider an offer of \$10 million from Bri-

tain, New Zealand and Australia to settle their Ocean Island claims.

The council secretary, Mr Thomas Teai, said the council expected to meet Fiji Prime Minister Ratu Sir Kamisese Mara late tomorrow afternoon.

*Fiji Times 2/6/77*

# THE DISAPPOINTMENTS OF THE BANABANS

The unfortunate Banabans have had another setback. To their disappointment at the attitude of the British Government towards their financial claims and their desire for independence from the Gilbert Islands has now been added a feeling of disillusion with British justice, following Sir Robert Megarry's judgment last week that they were entitled to less than £50 an acre—a total of less than £10,000—as damages for the breach of the British Phosphate Commissioners' obligation to replant trees and shrubs on Ocean Island, the Banabans' original homeland, now utterly devastated by the detritus of phosphate mining. The Banabans' distress is all the stronger for their having two years ago refused an offer of nearly £500,000 and, earlier this year, one of about £1m.

The judge's award appears to be parsimonious. It does not require any deep knowledge of arboriculture to appreciate that very little can be done for £50 an acre when the terrain in question has been described as resembling a lunar landscape. It was not an award realistically designed to allow the Banabans effectively to replant the island

to the extent that it could become capable of sustaining a reasonable subsistence agricultural economy, which is what they wanted. Their claim, however, for nearly £50,000 an acre, to include the filling in of all the craters by the importation of huge quantities of soil, was equally unrealistic in the other direction.

The Banabans are now considering an appeal, which would mean that many of the issues raised in what has already been one of England's longest lasting cases—more than 220 working days—would have to be repeated before another court. The appeal would not be as long as the hearing before the High Court, but it would inevitably be very lengthy and very costly. It would be to the benefit of all the parties to avoid continuing the litigation. The British Government in concert with the governments of Australia and New Zealand has made an offer of £6.5m as an ex gratia payment to the Banabans to compensate them for the exploitation of Ocean Island and the moral—though not legal—wrongs done to them in the past. But that offer is conditional on there being no further litigation and

would therefore no longer be on the table if an appeal were to be lodged. The Banabans have also been told that the door is open for negotiations about their future status. Those talks, too, would be prejudiced by an appeal against Sir Robert Megarry's decision.

The Banabans are not happy about the amount of £6.5m offered them, and it would not be offensive if the Government were to increase that offer. On the separate issue of the British Phosphate Commissioners' liability for their failure to replant Ocean Island, it would be better all round if the Commissioners were not to treat Sir Robert Megarry's award as the limit of their obligation to the Banabans. They should be generous in victory, and resume negotiations with the islanders on the basis of the kind of sums they had previously offered, around £1m. The Commissioners may have the law on their side in sticking strictly to the court's decision, but few would deny that the luckless Banabans have a great deal of moral justice on their side. They should be treated generously and not forced to retreat to their Pacific home in bitterness and disillusionment.

# THE DISAPPOINTMENTS OF THE BANABANS

The unfortunate Banabans have had another setback. To their disappointment at the attitude of the British Government towards their financial claims and their desire for independence from the Gilbert Islands has now been added a feeling of disillusion with British justice, following Sir Robert Megarry's judgment last week that they were entitled to less than £50 an acre—a total of less than £10,000—as damages for the breach of the British Phosphate Commissioners' obligation to replant trees and shrubs on Ocean Island, the Banabans' original homeland, now utterly devastated by the detritus of phosphate mining. The Banabans' distress is all the stronger for their having two years ago refused an offer of nearly £500,000 and, earlier this year, one of about £1m.

The judge's award appears to be parsimonious. It does not require any deep knowledge of arboriculture to appreciate that very little can be done for £50 an acre when the terrain in question has been described as resembling a lunar landscape. It was not an award realistically designed to allow the Banabans effectively to replant the island

to the extent that it could become capable of sustaining a reasonable subsistence agricultural economy, which is what they wanted. Their claim, however, for nearly £50,000 an acre, to include the filling in of all the craters by the importation of huge quantities of soil, was equally unrealistic in the other direction.

The Banabans are now considering an appeal, which would mean that many of the issues raised in what has already been one of England's longest lasting cases—more than 220 working days—would have to be repeated before another court. The appeal would not be as long as the hearing before the High Court, but it would inevitably be very lengthy and very costly. It would be to the benefit of all the parties to avoid continuing the litigation. The British Government in concert with the governments of Australia and New Zealand has made an offer of £6.5m as an ex gratia payment to the Banabans to compensate them for the exploitation of Ocean Island and the moral—though not legal—wrongs done to them in the past. But that offer is conditional on there being no further litigation and

would therefore no longer be on the table if an appeal were to be lodged. The Banabans have also been told that the door is open for negotiations about their future status. Those talks, too, would be prejudiced by an appeal against Sir Robert Megarry's decision.

The Banabans are not happy about the amount of £6.5m offered them, and it would not be offensive if the Government were to increase that offer. On the separate issue of the British Phosphate Commissioners' liability for their failure to replant Ocean Island, it would be better all round if the Commissioners were not to treat Sir Robert Megarry's award as the limit of their obligation to the Banabans. They should be generous in victory, and resume negotiations with the islanders on the basis of the kind of sums they had previously offered, around £1m. The Commissioners may have the law on their side in sticking strictly to the court's decision, but few would deny that the luckless Banabans have a great deal of moral justice on their side. They should be treated generously and not forced to retreat to their Pacific home in bitterness and disillusionment.

# \$14,105 damages for 'ravaged' Ocean

British justice has been trading over our homeland very cheaply'

LONDON, Sunday (AAP-Reuters). — The Banabans, dismayed at being awarded the equivalent of only \$14,105 as compensation for their Pacific island homeland being devastated by phosphate mining, are to appeal against the decision.

The 3,000 islanders had expected to be awarded several million dollars for the cost of replanting 74 hectares of Ocean Island with coconut and breadfruit trees.

But in the London High Court on Friday, the Vice-Chancellor, Sir Robert Megarry, ruled that they should receive compensa-

tion at the rate of about \$A187 a hectare.

He said also that the Banabans should pay legal costs, which their representative in London, the Reverend Tebuke Rotan, estimated yesterday to be about \$A465,000.

"I am very puzzled how this compensation figure has been arrived at", he said.

Ocean Island was so devastated by phosphate mining from about the beginning of the century that after World War II the 3,000 Banabans had to be moved to Rambi Island in the Fiji group.

The British Phosphate Commission (an Australian-British-

New Zealand partnership) offered about \$A1.5 million in an out-of-court settlement a few weeks ago, but Mr Rotan said, "We turned that offer down because we believe the High Court award would be better".

Australia, Britain and New Zealand offered last May an ex gratia payment of \$A10 million on condition the Banabans made no further claims "arising out of past events".

But in view of the proposed appeal by the Banabans over the High Court decision the offer from the three Governments is now in doubt.

"British justice has been trad-

ing over our homeland very cheaply", Mr Rotan said.

"Seven years ago we were advised to put our faith in the British High Court giving justice to the Banaban people for the destruction of our homeland, Ocean Island. . . .

"Our failure, so far, to obtain the assistance of the British courts will not in any way discourage us from pursuing the goal we are all determined to reach: our return to Ocean Island and its restoration over future years so that a self-governing Banaban community can live there again, as they did before Britain came and destroyed our land for its phosphates".



Mr Rotan

Carolina Times 8.77

## Future of the Banabans

From the Reverend Tebuke Rotan

Sir, As spokesman of the Banaban people here in London, it was a sad moment when I read the letter you published from the Gilbertese Chief Minister (February 6).

We do not blame the Gilbertese for our present plight. It is under the British Government that Ocean Island and the Banabans have seen their natural resources extensively exploited with little profit or benefit to themselves. Britain has sovereignty, and any decision in our case must come from Whitehall. We had hoped that the Chief Minister would not want the British Government to evade its responsibility for the past by turning the problem over to the Gilbertese.

I can hardly believe the Chief Minister really thinks we Banabans are Gilbertese. We have vast differences in our cultures. To quote H. E. Maude, Department of Pacific Studies, Australian National University, who lived amongst us and the Gilbertese for 40 years: "Forgotten in Gilbertese tradition, unrecorded in the Gilbertese genealogies, it may be doubted if a single Gilbert Islander was aware of the existence of the Banabans at the time of their first contact with Europeans." On Banaban culture, Maude writes: "Much of their (Banaban) social organization has, however, been recorded and this indicates that the structure was essentially different from that of the Gilbertese..."

The Gilbertese have agreed to the separation of the Ellice Islanders because they are a different people: seeing the evidence I have provided, will the Chief Minister now agree that the Banabans should also decide their own future?

The Chief Minister will agree that there is one custom shared generally in the Pacific Islands: it is contrary to our traditional beliefs for the people of one island to take something that belongs to the people of another.

When Gilbertese and Ellice Islanders agreed to British protection in 1892, Britain ignored Ocean Island and none of the leaders of the 16 Gilbert Islands asked that Ocean Island should be included in their group. Research done by Robert Langdon, a leading writer on Pacific affairs, has shown that after we were persuaded in 1900 to sell our birthright for £50 per year, the Law Officers of the Crown found that Ocean Island "became part of His Majesty's Dominions in consequence of the occupation by the Pacific Islands Company and their hoisting of the flag, together with the British sovereign's licence to occupy it". If we Banabans, unskilled in the ways of the Western world, agreed to licence a commercial company to excavate our lands, we never agreed that our homeland should be included with islands which were strange to us so that when Britain left, sovereignty over us would be handed to others. We were never asked if we wanted to

join the Gilberts, and if the British had asked us we would have refused. But we have had to watch the fruit of our land pay for the administration and running costs of a colony that was Britain's responsibility and of which we never considered ourselves part.

We were told we could not return to our homeland after the war, but we agreed to go to Rabi Island in Fiji and reside there only after the Commonwealth Office had made clear in their 1947 statement of intent that our rights to own, return to and reside on Ocean Island would be maintained. We struggled for survival in our strange, new environment and, to establish projects for our children's future, we borrowed money from an American bank in Fiji, and we are still borrowing money from other banks. All this while Britain's Gilbert and Ellice Colony Government was enjoying the bulk of the dwindling resources of our homeland. This year if we receive Australian \$3 million, they will collect A\$17 million, and their accumulated reserves are already very substantial.

Sometimes, it seemed that the spirit of the Banabans on Rabi was almost broken. But always in our soul there has been a vision. It is a vision of home. It is a vision that has sustained us and encouraged us in our fight to right what we consider to be great wrongs, even if that home on Ocean Island consists, after the phosphate has been excavated, of nothing but sharp-ended rugged pinnacles of coral.

In 1967 we came to London to try and get help. We had discussions with the Commonwealth Office and felt we owed it to ourselves to get the best advice we could. Had it not been for the experts in Fiji and Australia referred to by Mr Ratieta, our efforts might have been in vain. And now in London a great legal battle launched by us over the sharing of the proceeds and other aspects of our case is nearing its climax. It would not be proper for me to comment on that except to say that we could not fight this battle against the British Government without foreign lawyers.

But it should be understood that the question of independence goes much deeper than material matters, it touches on the Banaban soul. What we are now asking for, after all these years of tribulation, is the fundamental human right to control our destiny. We want Ocean Island to become independent in associated status with Fiji amongst whose people we have lived for 30 years. Using Rabi Island as our platform, we want to return once more to our ancestral homeland. We were our own masters before the British came and we must be our own masters again.

Yours faithfully,

TEBUKE ROTAN,

Rabi Council of Leaders,  
Buckingham Court,  
78 Buckingham Gate, SW1.

*The Times 20/2/75.*

# Ocean Islanders win moral victory in court but little money

By Marcel Berlins  
Legal Correspondent

The Banabans have emerged from their mammoth legal action in the High Court with a clear moral victory but with only a small part of their financial claims satisfied.

Mr Justice Megarry, on the fifth and final day of his judgment in the two linked cases brought by the Banabans, or Ocean Islanders, awarded them damages to be assessed against the British Phosphate Commissioners (BPC) and the British Government.

The commissioners had failed to replant Ocean Island with food-bearing trees after finishing phosphate mining there. Since it would now be impossible to do this, however, damages were awarded instead.

The judge said that the damages should be neither nominal nor very large. Agreement between the islanders and the commissioners is likely to be reached at a figure of not less than Australian \$2m (about £1,200,000), but well short of the A\$10m which the Banabans are seeking.

The Banabans' big disappointment had come earlier in the judgment, when Mr Justice Megarry rejected their claim against the British Government for allegedly underpaid royalties of more than £21m.

The islanders had alleged that the BPC had been selling off the phosphate on Ocean Island at less than market value, and that, in effect, they had been taken advantage of and been the victims of an injustice.

Mr Justice Megarry appeared to agree with that and made some strongly critical comments about the behaviour of Crown representatives in their dealings with the islanders. For instance the Government had allowed a deal to be made between the BPC and the simple, commercially inexperienced islanders without offering them any advice or assistance. As a result, the Banabans obtained a disadvantageous royalties deal. That "could not possibly be called good government", the judge commented.

Nevertheless, and with some reluctance, the judge concluded that the Crown's obligation to the Banabans was not financial, but governmental, and was therefore not enforceable in the courts.

Points from the judgment will be published in the Law Report in *The Times* on Monday.

The Rev Tebuke Rotan, head of the islanders' council of leaders, said after the case that he was returning to his people weary and defeated, having

realized that it was an expensive misunderstanding to have taken the grievance to English law.

"We have failed in law because there is no English law to protect us from the exploitation we had suffered for a long time from the British Government", he said in a statement issued through his solicitors.

"Our defeat has caused a lot of confusion and sorrow both in our minds and hearts, but at the same time has enabled us to see and understand a true and correct conception of the British Government, British laws, British justice, and the British High Court of Justice."

He said his conception was that the British Government was in fact the law maker. "They do not make laws that could make their position weak in the English High Court of Justice. They have the power to change laws in order to strengthen their position in the English High Court."

Referring to Mr Justice Megarry as "distinguished, honest and straightforward" he added: "The judge has strongly condemned the British Government's failure to meet its obligations to protect its own subjects who are weak, helpless and too small to protect themselves from such exploitation."

The court action does not end the long-standing differences between the Banabans and the British Government. There is also a dispute concerning Banaba's constitutional future.

Since the last war, with Ocean Island uninhabitable because of the mining, the 2,500 Banabans have been living on the island of Rabi, near Fiji. Constitutionally, however, Ocean Island has been part of the Gilbert and Ellice Islands.

The Banabans have been unhappy with that relationship for a long time, partly because they claim that much of the colony's wealth comes from Ocean Island phosphate.

The dispute has come to a head this year with the break up of Gilbert and Ellice, and the imminent self-governing status of the Gilbert Islands on their own, with which, constitutionally, Ocean Island continues to be tied.

After protests by the Islanders, and discussions with the Foreign Office, special safeguards were provided for the Banabans in the Order in Council granting self-government to Gilbert, which is to come into effect on January 1. The Banabans do not believe that the safeguards meet their case and continue to fight.



# The Banaban business

By Philip Snow

## PEARL BINDER:

*Treasure Islands*  
The Trials of the Ocean Islanders  
191pp. Blond and Briggs. £5.95.

Two recent actions by Banabans against the British Government for higher phosphate royalties and against the British Phosphate Commissioners for rehabilitation were the longest to occupy a British High Court. From 1900 when the fertilizer was discovered on Ocean Island (headquarters of the Gilbert Islands between 1907 and the Second World War), Banabans have gained revenue. Owing their ever-diminishing rock base of 1,500 acres, they were dissuaded by Europeans' governmental advice from squandering income against the inevitability of resettlement. In 1942 they were able to buy an extra home contrasting with relatively low, isolated, waterless Ocean Island. This was the high, rich-soiled, forested Rabi Island of 17,000 acres, in the Fiji group.

Banabans generously contributed to British War Funds before they could move: they were exiled by Japanese who devastated Ocean Island. Returning severely depleted, they learnt with Fijian assistance how to use Rabi's fertility. Their diet varied more than on Ocean Island, they were more active in fishing than Fijians whose living standard and that of the Gilbertese they surpassed, and they continued drawing royalties from Ocean Island while also enjoying revenue from copra cut casually on Rabi (enough in the first year to cover Rabi's purchase cost). But a minority, persuaded by a large landowner who, with his son, the Reverend Tebuke Rotan, are the heroes of *Treasure Islands*, want to return to Ocean Island, demanding its reconstruction and higher royalties. The majority appreciate their transformation from impoverished abjectness before the phosphate diggings to being among the most prosperous of Pacific Islanders, and know that Rabi is a desirable home which Fijians might well have required back for themselves.

No one lacks sympathy with those dispossessed of ancestral land (Banabans will never be deprived of Ocean Island); the author overflows with it. This book by Pearl Binder (Lady Elwyn-Jones—her husband was professionally engaged by Banabans before taking current office as Lord Chancellor) aims to be a history. Confidence in it is jolted by persistently wayward spelling of persons, places and materials. As simple an infinitive as "to annex" is repeatedly given a final "e". The book appears rushed; indeed it seems that its author has consulted few other Pacific works than her frail list. Photographs are unacknowledged; it is too much to expect an index.

Facts wobble. Indians outnumbering Fijians are named Tamils. Both Banabans and Fijians are called Polynesians—never a mention of Micronesians and Melanesians. Oahu is not in Honolulu, the Marshalls and Carolines were never under the British Western Pacific Commissioner. Pearl Binder describes a "winter" on Rabi during the hurricane season. As one who was for years in charge of the surrounding district (when the Banabans were settling), I would have welcomed a touch of "winter". Rabi's seasons are hot, and rather less hot; the latter, Pearl Binder's "winters", are never at hurricane times. Titles, etc. go haywire—for example, Sweet-Escott was never Chief Justice, Eliot a District Commissioner, Ellis a KCMG FRS, Stanmore a KC or a British

Prime Minister's Private Secretary. No theological degree exceeds DD. There are emotive tones ("But God never seems far away from the Banabans"): the book's first announced title was "The Rape of Banaba". A broadish spectrum is covered unacademically and with wavering perspective.

The court judgment, which took five months to prepare and itself ran to 200 pages in the Law Reports, incorporates real history. Deciding in December 1976 that there should be damages (not very large) to be negotiated with the Phosphate Commissioners for replanting Ocean Island, the judge, while dismissing the Banaban claim for underpaid royalties, considered the British Government to have no legal but a moral obligation to have helped more over royalties. To the judge's observations on a Resident Commissioner, Arthur Grimble (later, with Heyerdahl, the best-selling of Pacific writers), Pearl Binder adds her own dogmatic opinion—which should be considered as controversial theory—about Grimble's

motives for action fifty years ago. She lauds a recent television programme—so slanted that, watching it, I occasionally slid off my seat. It misrepresented Ocean Island as having been idyllic and purported to photograph Grimble actually writing the criticized letter in 1928 by its deceptive device of switching from multi-colour to sepia.

Miss Binder states that Grimble "either avoided unpalatable and shameful facts altogether, or else skidded round them". As history, *Treasure Islands* should be treated warily. It ignores, for example, the fact that the judge found totally untrue the Banaban claim that the Ocean Island cemetery had been desecrated. It also avoids "the ugly episode" (the judge's phrase), in which the Methodist minister, Tebuke, admitted there was a plot in 1965 to eliminate the Banabans' Adviser and murder 100 Banabans whose views differed from the minister's. The whole account is too unobjective to serve as an adequate study of a subject holding ethnologic, historical and governmental complexities.

## The Banabans

Sir,—I must thank Philip Snow for his revealing review (August 25) of my book *Treasure Island*. He has made my case for me, by revealing the peculiar resentment common to all British colonial officials connected with the still painfully unresolved Banaban saga.

But it is no use, in the smouldering debris of our colonial empire, blaming the natives for what we did, or failed to do, to them. They are not clever at handling money because we gave them no opportunity to learn. The BPC phosphate mining of Ocean Island so wrecked their agriculture and fishing that they lost the will, and the skills, to start again elsewhere.

Facts are facts. I have been careful to quote only from the archives of the Colonial Office, the Foreign and Commonwealth offices, the BPC, *Hansard*, the relevant books and diaries, and the transcripts of

taped court proceedings and taped interviews on Ocean Island.

Is Philip Snow unaware that Jenny Barraclough (on location filming her television documentary in Ocean Island), invited the manager of BPC there to present the case for BPC to be included in her film? He refused.

I wonder whether Philip Snow is not confusing Ramki with Nauru—certainly the richest island in the Pacific today, because the Nauruans managed to take their phosphate wealth into their own hands.

PEARL BINDER.

5 Gray's Inn Square, London WC1.

## The Banabans

Sir,—In Philip Snow's review (August 25) of Pearl Binder's *Treasure Islands* space obviously allowed him to mention only a few of the book's many inaccuracies. Her letter (September 22) offers no explanation for any of them but makes further incorrect statements which are also irrelevant.

Philip Snow was not connected with the Banaban "saga" but happened at one important stage to be the administrator nearest to the one on Rabi: as an informed onlooker has had some claim to firsthand knowledge and even to impartial judgment.

It is unacceptable that any work claiming to be a history should be so casual about ordinary data, especially as they could so easily have been checked. It is wholly unwarranted for Pearl Binder to state that "all British colonial officials" shared the same attitude. Even if her view has the benefit of considerable hindsight, why should Philip Snow as she asserts neces-

sarily resent criticism of British colonial policy? Equally unrealistic is her implied suggestion that Europeans in colonies were invariably wrong and "natives" (her word) invariably right. Actually sometimes it was the other way round.

Pearl Binder's phrase about the "smouldering debris of our colonial empire" not only smacks of melodrama but pinpoints her partisan approach to history. In the varied Pacific sections of the British Empire the colonial relationship ended with abundant goodwill on both sides. Why otherwise for instance should the Union Jack have been retained as part of Fiji's flag after independence? I have known colonial administrators who worked disinterestedly and unselfishly for the people they had been appointed to look after, forfeiting not only the company of their families but also their health and in many cases hope of a long life.

It is incorrect to suggest that Banabans had "no opportunity to learn" how to handle money. Local officials had to pass examinations in the colonial Financial Orders. The staple foods (coconut, pandanus and fish) of the Banabans were more abundant in their new, larger island of Rabi than in Ocean Island, so how could the move *ipso facto* have undermined their agricultural and fishing skills?

As for the BPC manager declining to take part in a television programme, it could be that, the case being *sub judice*, it was impossible for him to do so.

Pearl Binder's suggestion that Philip Snow, after fourteen years in the Pacific, might not be able to distinguish Ocean (or Rabi) Island from Nauru, is ludicrous. After a stay of four months, Pearl Binder does not appear to know that most elementary of differences—between Melanesians, Polynesians and Micronesians.

G. B. MILNER.

66 Kenwood Drive, Beckenham,  
Kent BR3 2QZ.

TLS 10 Nov 78 1312

## £6.4m fund to help Banabans

By Our Parliamentary Correspondent, Westminster

A fund of \$A10m (£6.4m) is to be established as a means of helping the Banaban community in the South-West Pacific after the many years of exploitation of the phosphate deposits on their Ocean Island homeland.

Announcing the fund in the Commons yesterday Dr Owen, the Foreign Secretary, said that the governments of Britain, Australia and New Zealand had agreed to set up the fund to secure the economic future of the community, which now numbers about 2,500, mostly settled on Rambi Island, a part of Fiji.

The annual income from the fund would be paid to the Rambi Council of Leaders for development and community purposes. Mining operations on Ocean Island are expected to end in 1979 or 1980.

No decision about the future status of Ocean Island would be made before the pre-independence constitutional conference for the Gilbert Islands at which the Banabans would be represented.

Parliamentary report, page 1

## Plight of the Banabans

From Mr Frank Hooley, MP for Sheffield, Heeley (Labour)

Sir, The plight of the Banabans first came to my attention nearly 10 years ago, when I was invited to look into their difficulties by my own church, the Methodists. I was considerably shocked by the information I managed to unearth by parliamentary question and discussions with Ministers, and not surprised to discover that this squalid story had provoked criticism in the Commons from members on both sides of the House over a long period of years.

It must be almost unique in colonial history that a tiny community of about 2,000 souls should have the very land they lived on excavated from under their feet, for the profit and benefit of three of the richest countries in the world, Britain, Australia and New Zealand. The specious briefs supplied by FCO officials and their predecessors to a long line of Ministers cannot excuse the sordid exploitation of these people, now exposed to public gaze by the forthright terms of the Megarry judgment, and I concur with every word of the eloquent article by Sir Bernard Braine in yesterday's *Times* (January 10).

I hope, in fact, that the existence of pressure from both sides of the House of Commons (which is both sincere and determined) will cause the Government in Sir Bernard's words "to deal generously with the Banabans, both financially and politically" so that the United Kingdom may relinquish with honour, not disgrace, our last responsibility in the South Pacific. Australia and New Zealand have a moral, if not a legal, responsibility, too, and as Pacific powers an even stronger incentive to make Ocean Island a healed wound, not a festering sore in that part of the world.

Yours faithfully,  
FRANK HOOLEY,  
House of Commons.  
January 11.

*Times*  
18-1-77

## £6.5m payment to help Banabans when phosphate revenues cease

An assurance that no final decision about the future status of Ocean Island would be made before the pre-independence constitutional conference for the Gilbert Islands was given by Dr David Owen, Secretary of State for Foreign and Commonwealth Affairs.

In a statement about Ocean Island and the future of the Banaban community, Dr Owen announced that the United Kingdom, Australia and New Zealand Governments were prepared to make available to the Banaban community on an ex-gratia basis and without admitting any liability, the sum of 10m Australian dollars (£6.5m).

Dr Owen, in his long statement, indicated that the issues were complex and went on:

The Banaban concern is twofold: constitutional and financial. On the former, the Banaban leaders have pressed for the detachment of Ocean Island from the Gilbert Islands, originally as an independent state, more recently as part of Fiji. We all recognize their deeply held views on this matter.

Equally, the Government and people of the Gilbert Islands feel strongly that the island should continue to be part of the Gilbert Islands as it has effectively been for most of this century. There are also strong legal, constitutional and historical objections to making territorial changes.

There can be no perfect solution, but given good will there can be an agreed compromise.

The Minister of State (Lord Goronwy-Roberts) has been having discussions with Gilbertese Ministers this week about additional guarantees and safeguards which could be provided to the Banabans and assure them of a special autonomous position for Ocean Island within the Gilberts.

The basis for such a relationship exists in the many close links of language, religion, culture and marriage between the Banabans and other islands of the Gilberts.

The Prime Minister and I shall naturally also wish to discuss the constitutional issue with the Prime Minister of Fiji when he comes here for the Commonwealth Heads of Government meeting not least because the vast majority of the Banaban community has long been settled on Rambi Island which is part of Fiji.

No final decisions about the future status of Ocean Island will be made before the pre-independence constitutional conference for the Gilbert Islands. The Banabans will of course be asked to this conference and will be free to put forward their views. I shall keep the House informed of progress on this issue.

On the financial issues, the Banabans claim that Ocean Island phosphate was exploited on terms greatly to their disadvantage and they engaged in prolonged actions in the courts on those grounds.

The Vice-Chancellor in his

judgment found for the Crown but expressed considerable sympathy with the Banabans and felt that they had not always been treated as well as they should have been. I think everyone in this House is very conscious of the great hardship and privation they suffered during the Second World War and wishes to see the whole issue settled honourably.

We have been concerned for some time for the future of the Banabans after mining ends. We have therefore had consultations with the Governments of Australia and New Zealand, our partners on the board of British Phosphate Commissioners, about how we can best help the Banaban community, who number some 2,500, secure their economic future on Rabi when phosphate revenues cease in 1979 or 1980.

The three Governments are prepared to make available, on an ex-gratia basis, and without admitting any liability, a sum of 10 million Australian dollars.

The money would be used to establish a fund which will be preserved for the benefit of the Banaban community as a whole, the annual income being paid to the Rabi Council of Leaders for development and community purposes.

The money would come from funds which are held by the British Phosphate Commissioners on behalf of the partner governments—the United Kingdom, Australia and New Zealand—and which would in the normal course of events have accrued to the respective Exchequers.

The payment would be final and would be made on condition that, in the outstanding legal actions, no appeal would be made in the case against the Crown and the early resolution of the cases against the British Phosphate Commission would be sought, and that no further claims would be made arising out of past events.

The damages to be paid by the Phosphate Commissioners—damages which the Vice-Chancellor said should be neither merely nominal nor very large—are of course unconnected with, and would therefore be additional to, the ex-gratia payment.

In the meantime, arrangements for the final phase of mining operations on Ocean Island, which are likely to terminate in 1979 or 1980, will clearly be of considerable importance to both the Banabans and the Gilberts Government. We will be in touch with the Gilbert Islands Government about the best way of keeping the Banabans informed and involved at every stage and their interests adequately protected.

We regard the existing division of the phosphate revenues between the Gilbert Islands Government and the Banaban landholders as reasonable, and do not envisage any alteration.

Other islands in the area have contributed in human terms to the Ocean Island phosphate industry, and the Government realize the need for help to those islands also when the industry comes to an end. We are giving further con-

sideration to how this help might be given.

Mr John Davies, chief Opposition spokesman on foreign and Commonwealth affairs (Knutsford, C)—What are the total funds in the hands of the British Phosphate Commissioners at this time? How much more funds are likely to accrue to the commissioners between now and the cessation of extraction. It is only by this total figure that the reality and the satisfactory size of the 10 million Australian dollars can possibly be appreciated.

Dr Owen—The money is to secure the economic future of the islanders. It is not compensation. If the 10m dollars were invested now it would accumulate to 12m by the end of 1979 when the phosphates run out. This would give an unearned income of 350 dollars per capita.

The total fund is currently standing around 23m Australian dollars and out of this the 10m would be taken. Against that would have to be set whatever was required for replanting.

Mr Jeremy Thorpe (North Devon I)—This should be the last time that a small dependant people will have to pursue the British Government in the courts for five years before moral claims are honoured.

Dr Owen—I do not think anyone looking back on past history would claim that at all time, all decisions were right. The exact way money is dispersed is a matter for consultation with the Banabans. We hope a trust fund will be established and we will be able to safeguard that money to ensure it will be used for the benefit of the Banaban community in future and not in any way squandered.

Mr Nigel Spearing (Newham South, Lab)—It would be better for the Government to consider a proper settlement of the South Pacific as a whole, and ensure that British obligations are discharged there with clean hands and seen to be so.

Dr Owen—We need to look at the South Pacific as a whole. At current exchange rates, the \$10m is not an unacceptable sum. It takes account of the fact that the Banabans have received more than \$7.5m in phosphate revenue over the last three and a half years.

Sir Bernard Braine (South-East Essex, C)—Whilst acknowledging Dr Owen's desire to make amends for the squalid and shameful treatment the Banabans have suffered for many years, the sum mentioned is only about one-fifth of what the Banabans would have earned from their phosphates if they had been given proper advice and information in 1947 and if there had not been grave breaches of trust by the Government. It is a sum which will do little to right injustices.

Dr Owen—The Government have tried to bring about an honourable compromise. The sum of money is not unacceptable. It will enable the Banabans to plan for their own future and finance it.

Pearl Binder  
on *Go Tell it to the Judge*

"Radio Times"



## The rape of Ocean Island

I MUST declare an interest in *Go Tell it to the Judge* (6 January BBC1) about the Banaban people. I know them well and recently spent an unforgettable winter on their Fiji island of Rambi.

Because their equatorial homeland, Ocean Island, no bigger than Sark, happened to be composed of the purest phosphate and therefore an agricultural fertiliser treasure-trove, they lost it, acre by acre, as this film movingly shows. Since 1900 when New Zealand businessman Albert Ellis discovered the island's potential, the bulldozers have steadily destroyed it, bagged the phosphate and sent it off to fertilise Australia and New Zealand.

The Banabans suffered this loss because Ellis's company, BPC, which changed its name three times, had Ocean Island made a British Colony in 1901, with a Resident British Commissioner to rule the natives for them.

Jenny Barraclough's outspoken story unwinds this unappetising script without cleverness, just as the statistics demanded in *Go Tell it to the Judge*. Banabans have survived because they devoutly believe their Methodist Jehovah will see justice done.

Ocean Island is now reduced to bone-white stone pinnacles - except for the BPC golf course. This will be the last to be mined.

Their recent action in the British Law Courts has cost three quarters of a million pounds. The outcome is still undecided.

This unsentimental documentary traces Banaban history since 1900. Old sepia photographs of Ocean Island change into colour shots of the same sites with sci-fi giant excavators horrendously biting and disgorging whatever is left. The stark pinnacles of Ocean Island change into the staid pinnacles of the Strand Law Courts. They change again into Judge Me-

Garry in Bermuda shorts scrambling about Ocean Island, then change again into a dancing group on Rambi in their sea-shell and palm-leaf regalia.

Don't be deceived by their plump Banaban faces and well-covered bodies. Their present diet is unhealthy: they cannot afford adequate protein. BPC weaned the Banabans off their former diet, on to imported rice and biscuits, with occasional second-grade tinned corned beef, charging them up to 200 per cent more than the whites.

We see the bearded clear-eyed Captain Quayle-Dickson, the Resident Commissioner in 1909, who protested, was demoted and retired from the service. His successor, Resident Commissioner E. Carlyon Eliot, also stood up to the Company, resigned and later wrote, *The local manager of the Company told me in my own house before my wife that if I tried to force them to spend what they considered unnecessary money the Company would call on the Colonial Office to remove me as they had my predecessor. If I possess any power of expression then I pray that it may come to my aid as regards the treatment of the Ocean Islanders.*

His successor, Arthur Grimble, had learnt his lesson. He had a wife and four young daughters. He did whatever the powerful Company wanted. Ironically, after his retirement, Sir Arthur Grimble KCMG became world-famous for his delightful memoirs, *A Pattern of Islands*, and broadcasts. In these Grimble either omitted the true facts or slid over them. But the truth came out at trial.

### They agreed to a sale, but the village was still destroyed

In a letter to the Banabans in 1928 he threatened to destroy Buakonikai village if they would not sell on BPC's terms. They agreed: but Buakonikai was destroyed.

Nevertheless the Banabans, loyal subjects of Britain, contributed lavishly in both World Wars. The invading Japanese killed one-third of the population and exiled the rest to slave labour. In 1947, in the hurricane season, they were dumped on Rambi, bought with their own money, and kept there because BPC were determined they should never return. They were billeted under totally inadequate canvas tents

and for these and the reluctant journey were charged £12,000.

Under these conditions what the judge described as an 'iniquitous agreement' was forced upon them by BPC. The Banabans did not have the help of the Government-appointed adviser whose services they had already paid for.

### Bitterness for the Banabans, while another island prospers

The understandable bitterness of the Banabans is increased by the fact that their sister phosphate island, Nauru, once a German Protectorate, was able to snatch back a market for her own phosphates when Germany lost the First World War. Nauru today is the richest island in the Pacific.

Jenny Barraclough provides vivid, reconstructed images of the Banabans as they were, clinging to coconut trees in the path of advancing bulldozers, and as they are, sewing in their doorways and shrouded in dark raincoats shuffling into the Law Courts.

Tebuke Rotan is the worthy son of his unshakable father, Pastor Rotan Tito. The Reverend Tebuke

Rotan is a natural TV personality with his pleasant voice, expressive eyes and mobile mouth. But the faces of the old Banaban men and women are now like painful landscapes, and the children's open faces suddenly harden in suspicion of white people.

Certainly the phosphate mining of Ocean Island has been an unqualified engineering success. Certainly the spectacular agricultural achievement of New Zealand and Australia fed millions of British people for over 50 years.

The narrator of this outstanding production is veteran Fleet-Streeter James Cameron, ironic, vulnerable-voiced defender of the underdog. Jenny Barraclough and her crew, who have carved out a most difficult assignment so carefully, are to be congratulated.

This documentary is so gripping that one wants immediately to see it all through again. Personally I found myself near tears, knowing these smiling girl dancers, knowing their leader Pastor Rotan Tito. What will their future be?

*Pearl Binder is author of The Rape of Banaba: Trials of the Ocean Islanders to be published later this year by Blond and Briggs.*

## NEXT WEEK



Dinsdale Landen (centre of our cover) stars as John Malory in the first of six new plays by John Hopkins, author of the innovatory *Talking to a Stranger*. This new sequence *Fathers and Families* (BBC1) also features - as fathers - Benjamin Whitrow, Anton Rodgers, Gareth Thomas and T. P. McKenna. For RADIO TIMES Sheridan Morley talks to Dinsdale Landen about his career.

Also in RADIO TIMES: the subterranean world of rabbits is laid bare in BBC2's *The World About Us*... three young composers, whose works will be heard on Radio 3, talk to Dominic Gill... the world of El Greco in *Omnibus*. And on BBCtv and Radio: Arthur Rubinstein and *Love of Life*... Robert Stephens, Siân Phillips and Ronald Pickup in *Antony and Cleopatra* on Radio 3... Alan Bennett in *The Book Programme*.

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# Ocean Islanders win moral victory in court but little money

By Marcel Berlins  
Legal Correspondent

The Banabans have emerged from their mammoth legal action in the High Court with a clear moral victory but with only a small part of their financial claims satisfied.

Mr Justice Megarry, on the fifth and final day of his judgment in the two linked cases brought by the Banabans, or Ocean Islanders, awarded them damages to be assessed against the British Phosphate Commissioners (BPC) and the British Government.

The commissioners had failed to replant Ocean Island with food-bearing trees after finishing phosphate mining there. Since it would now be impossible to do this, however, damages were awarded instead.

The judge said that the damages should be neither nominal nor very large. Agreement between the islanders and the commissioners is likely to be reached at a figure of not less than Australian \$2m (about £1,200,000), but well short of the A\$10m which the Banabans are seeking.

The Banabans' big disappointment had come earlier in the judgment, when Mr Justice Megarry rejected their claim against the British Government for allegedly underpaid royalties of more than £21m.

The islanders had alleged that the BPC had been selling off the phosphate on Ocean Island at less than market value, and that, in effect, they had been taken advantage of and been the victims of an injustice.

Mr Justice Megarry appeared to agree with that and made some strongly critical comments about the behaviour of Crown representatives in their dealings with the islanders. For instance the Government had allowed a deal to be made between the BPC and the simple, commercially inexperienced islanders without offering them any advice or assistance. As a result, the Banabans obtained a disadvantageous royalties deal. That "could not possibly be called good government", the judge commented.

Nevertheless, and with some reluctance, the judge concluded that the Crown's obligation to the Banabans was not financial, but governmental, and was therefore not enforceable in the courts.

Points from the judgment will be published in the Law Report in *The Times* on Monday.

The Rev Tebuke Rotan, head of the islanders' council of leaders, said after the case that he was returning to his people, weary and defeated, having

realized that it was an expensive misunderstanding to have taken the grievance to English law.

"We have failed in law because there is no English law to protect us from the exploitation we had suffered for a long time from the British Government", he said in a statement issued through his solicitors.

"Our defeat has caused a lot of confusion and sorrow both in our minds and hearts, but at the same time has enabled us to see and understand a true and correct conception of the British Government, British laws, British justice, and the British High Court of Justice".

He said his conception was that the British Government was in fact the law maker. "They do not make laws that could make their position weak in the English High Court of Justice. They have the power to change laws in order to strengthen their position in the English High Court."

Referring to Mr Justice Megarry as "distinguished, honest and straightforward" he added: "The judge has strongly condemned the British Government's failure to meet its obligations to protect its own subjects who are weak, helpless and too small to protect themselves from such exploitation."

The court action does not end the long-standing differences between the Banabans and the British Government. There is also a dispute concerning Banaba's constitutional future.

Since the last war, with Ocean Island uninhabitable because of the mining, the 2,500 Banabans have been living on the island of Rabi, near Fiji. Constitutionally, however, Ocean Island has been part of the Gilbert and Ellice Islands.

The Banabans have been unhappy with that relationship for a long time, partly because they claim that much of the colony's wealth comes from Ocean Island phosphate.

The dispute has come to a head this year with the break up of Gilbert and Ellice, and the imminent self-governing status of the Gilbert Islands on their own, with which, constitutionally, Ocean Island continues to be tied.

After protests by the Islanders, and discussions with the Foreign Office, special safeguards were provided for the Banabans in the Order in Council granting self-government to Gilbert, which is to come into effect on January 1. The Banabans do not believe that the safeguards meet their case and continue to fight.

Despite its huge involvement over the years in the phosphate mining of Ocean Island, Australia has been kept out of the lime-light in the battle by the Ocean Islanders for compensation and control of their island. But **TONY MAIDEN** reports from London that Australia was a party to British attempts to buy off the Ocean Islanders.

# Australia's role in a shabby colonial story

A STRANGE story has come to light of how the British Government applied a diplomatic arm-twist to get Australian co-operation in an effort to quietly and cheaply buy-off the exploited — and lately increasingly troublesome — ex-inhabitants of phosphate-rich Ocean Island.

Australia politely parried the main thrust of the British aim, which was to embroil us in its attempts to reach a settlement of vexatious political questions on Ocean Island.

But Australia did acquiesce in the British plan to arrive at a joint "cheap" settlement of the islanders' financial complaints.

These machinations are largely revealed in two confidential documents — one a British Government letter to the Australian Department of Foreign Affairs, the other a Cabinet submission by the Foreign Affairs Minister, Senator Don Willessee — which I have obtained in London.

The exchange arose out of two high court actions instituted in Britain by the Ocean Islanders, or Banabans as they prefer to be called (the island was "Banaba" long before the white man arrived in 1900).

In the first, some 300 Banaban landowners are suing the British Phosphate Commissioners jointly and severally for \$A21.4 million. This is alleged to be the cost of restoring food-bearing trees on phosphate leases mined by the British Phosphate Commission, a non-profit body operated by the British, Australian and New Zealand Governments.

This action intimately involves Australia, but the second involves only Britain, which annexed Ocean Island in 1900 soon after the rich phosphate deposits were discovered there and which incorporated it into the Gilbert and Ellice Island colony 250 miles away in 1916.

The Banabans have sued the UK Attorney-General for damages relating to:

- Insufficient royalties paid generally in respect of Ocean Island phosphate rock, and;

- Misallocation by Britain of such royalties as were received.

At present the royalties go 85 per cent to the remote Gilbert and Ellice Island colony generally and only 15 per cent to the Banabans.

The first case was part heard earlier this year, before the lengthy law vacation intervened. It is largely complete, though the judge plans to visit Ocean Island before delivering his verdict. The second case should follow closely.

The Banabans have resorted to the courts in an effort to overcome a history of colossal and continuing exploitation.

Signing over exclusive rights to remove phosphate from their island for a mere £50 a year — a notorious agreement obtained by an Australian, Albert Ellis, who worked for the Pacific Islands Company and discovered the rich Ocean Island deposits — was the start of the Banabans' troubles.

They have since seen the island ripped apart to provide first vast profits for company shareholders, and later cheap

three BPC countries which bought out the Pacific Islands Company in 1920.

Additional Banaban lands were compulsorily acquired by the BPC in 1930 when the Banabans declined to sign it over. They were shipped out as slave labour by the Japanese in World War II, and at the war's end were rounded up and "re-settled" on the Fijian island of Rabi. It was no gift — they had to buy it out of their accumulated phosphate funds.

They have been trying ever since to get back to their original home, and to divert a larger slice of the remaining phosphate revenues to restoration work.

Ocean Island is too despoiled to ever support all the Banabans, but current thinking favours a two-island structure within some form of association with Fiji.

Whole the British Government has assured the Banabans that their Ocean Island land rights remain, it has frustrated efforts by the Banabans to re-colonise the island — for example, by declaring it a "closed district" so that anyone not born there requires a licence to live there, which hinders the youngest and fittest Banabans from helping the planned re-colonisation.

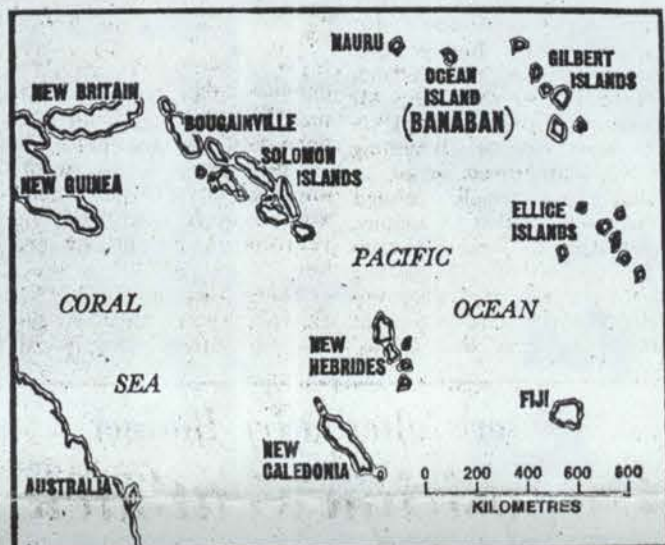
The Gilbert and Ellice Islands colony government, moreover, continues to reject any suggestion of independence for Ocean Island, though many authorities support the Banaban contention that Ocean Island's cultural and social links with the Gilbert and Ellice Islands are slim.

This refusal is certainly not based on concern for the colony's fundamental geographic integrity, since it has already been agreed that the Polynesian Ellice Islanders will be allowed to split from the Melanesian Gilbertese when independence comes to GEIC shortly.

It is directly based on the fact that Ocean Island phosphate revenues are the GEIC's only major source of income, apart from direct Whitehall aid.

The Banabans, who have spent years being shuffled from the British Government to the GEIC Government and back to Whitehall again, believe they are faced with a policy of deliberate obstruction while the last valuable phosphate deposits are ripped from Ocean Island. At current high rates of extraction, this should be by about 1978.

In the meantime, every month of delay means a million pounds or so that the British Government does not have to pay out to support one of its last remaining colonial luxuries, The Gilbert and Ellice Islands,



and a million less for the Banabans to use to restore at least part of their ravaged homeland.

This may sound a parsimonious policy, but cynical officials in London point out significantly that the British public servant most intimately involved in the Banaban affair, Tony Bullock, head of the Pacific Dependencies Department, is currently on permanent secondment to the Treasury.

The British approach to dealings with the Banabans is nicely captured in its 1968 offer of a payment of £80,000 for use in the economic development of Rabi Island.

The offer was made "in consideration of the effects of phosphate mining on Ocean Island since 1900."

As two British MPs, Sir Bernard Braine and Mr John Lee, said in a report this April which savagely attacked Britain's Banaban policy, the figure was "derisory."

To give the British their due, they renewed the offer when the Banabans declined it, and repudiated the attempt to link it with the question of Ocean Island compensation.

However, as Braine and Lee point out: "It is clear from this unsavoury episode that the Banabans could have been led into an agreement which would have deprived them not only of their just dues but of any redress at law."

It was to seek their just dues, in face of delays and rejections on the part of the colonial authorities, that the Banabans instituted their London court actions.

What happened before the hearings began earlier this year, however, gives a fascinating insight into manoeuvres which can influence the fate of ex-

ploited minorities, unless they are very careful.

The British Government, with the help of a few veiled threats, managed to get its two partners in the BPC — Australia and New Zealand — to take part in a concerted drive to have the Banabans accept a single, absurdly small out-of-court settlement in return for abandoning both court actions.

Even better, it gained agreement for the money for this package settlement to come out of the BPC's \$A21m cash surplus, built up by the sale of the commission's Nauruan-based phosphate assets when that island (unlike Ocean Island) was granted independence.

In other words, the Australian Government agreed to link a case in which it was directly involved with another in which it was not and then help to pick up the tab for both.

This might be defensible, particularly if by participating in such a deal Australia had sought to get favourable terms for its near neighbours, the Banabans, to whom it was not indebted, as we shall see.

In fact, as far as can be determined, we did not.

In a "Dear John" letter last December from an official in the British High Commission to Mr J. R. Rowland, deputy secretary of the Department of Foreign Affairs, the British argued that although the two actions were legally separate, they could not be treated as such.

To settle the action against the BPC commissioners without at the same time settling the royalty action against the British Crown would have two important results, Canberra was reminded.

Firstly it would put the Banabans "well in funds" to pursue the royalty action. Second, since settlement of the replant-

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ing action alone would deprive the Banabans of their "day in court," they would be all the more eager to pursue the royalty action, "either for publicity or in order to bring pressure on the British Government to give a very substantial sum to avoid publicity."

"We assume neither the Australian nor New Zealand Governments would wish to put us in such a situation" the British communication said.

But just in case this assumption might be wrong, it proceeded to spell out the potentially unpleasant consequences for Australia if it left Britain to cop the royalty suit alone.

The legalistic view that the royalty action related solely to the actions of the British Government, it said, "does not take account of the most important fact that one of the main claims made by the Banabans in the royalty action is that the alleged trustee, the British Government, did not obtain the best price possible for phosphate."

"Our two partner Governments will be aware that the main, if not the only, reason why we did not obtain a higher price during the 1950s and 1960s was because of the constant opposition by Australia and New Zealand.

"The British Government cannot, however, prove this without disclosing the content of confidential communications between the three Governments regarding phosphate pricing."

Elsewhere in the letter, the point is reiterated for further effect: "I feel sure you will not misunderstand our stressing that one of the main themes to emerge from the documents was the firm opposition of Australia and New Zealand in the past to higher phosphate prices and to proposals that the revenue received by the GEIC (Gilbert and Ellice Islands Colony) Government should be increased to correspond to the levels of taxation which a commercial company mining phosphate might have been expected to pay.

"Had higher phosphate prices prevailed, both GEIC and Banaban revenues would undoubtedly have been higher. But our essential point today is simply that Australia and New Zealand benefited over many years from cheap phosphate.

"We recognise that the United Kingdom also benefited in that the revenue accruing to the GEIC reduced the amount of aid needed from the United Kingdom.

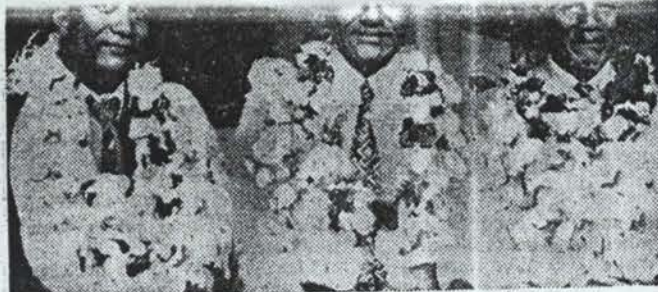
"Our conclusion from all this is not to indulge in recrimination over the past but to urge that all three partner Governments have a common interest in resolving the outstanding problems with the least possible rancour."

The British letter added that they were "not simply looking to the Australian and New Zealand Governments for help over the two legal actions.

"We are seeking their active co-operation in the wider context of tidying up the residual disputes and problems, at a time when the GEIC is moving towards independence and we and our partner Governments are in the process of winding up our formal colonial roles in the South Pacific.

"We hope your Government will agree that it is reasonable to use part of the phosphate commissioners' surplus to resolve the problems bequeathed by the history of the phosphate industry.

This urging has at least part of the desired effect on Australia.



A Banaban Council of Elders . . . two High Court actions instigated.

In a submission to Cabinet dated January this year, Senator Willesee told his colleagues that he had agreed to an Australian delegation taking part in "forthcoming negotiations in London, aimed at securing basic agreement between the three member governments of the BPC" to facilitate . . . an out of court settlement with the Banabans relating to two separate legal claims . . . one against the BPC and the other against the United Kingdom Government."

Senator Willesee cited several technical reservations about the specific settlement terms proposed by the British.

"However," he continued, "It could be contended that prior to 1968 Australia benefited from cheap Ocean Island phosphate and hence we cannot ignore the possibility of becoming involved in the royalty claim. The two claims may . . . eventually have to be settled together."

The senator went on to give two reasons why he had decided to try and fit in with Britain's plan.

"There is a possibility that publicity adverse to Australia may emerge from any court hearing.

"Separate court decisions in the Banabans' favour on each of the two claims could create

the Banabans and the Gilbert and Ellice Islands colony to decide.

It is also understood that the three BPC partners agreed to alter the carve up of the residue of the Nauru surplus, should a joint settlement of the two court actions be paid from that source.

The Willesee document makes clear that New Zealand had been pressing for these funds to be distributed not in accordance with the basic interests in BPC (42 per cent Australia, 42 per cent Britain and 16 per cent New Zealand) but on a user of phosphate basis, which would give Australia 60 per cent, New Zealand 30 per cent and Britain 10 per cent.

Senator Willesee and Australia was on that point "uncommitted to either view," but

### Today's letters

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he added that settlement of the question of distribution of the Nauruan surplus was "a necessary prerequisite to discussion of the Banaban problems."

Whatever carve-up was finally adopted, one can only hope it at least covered the share of the proposed royalty case settlement, which Australia gratuitously agreed to shoulder.

In any event, Australia and Britain went into negotiations with the Banaban representatives together, at least that a single settlement of the two court actions would be sought, and sought as cheaply as possible.

They reportedly opened with an offer of a mere \$A2.5m or thereabouts.

But while sources close to the negotiations say they regarded this as "starting point only," it effectively finished the negotiations before they really began, since a submission to the British Government prepared for the Banabans by Sydney consultant Phillip Shrapnel and Co in 1968 suggested that — on the cost experiences of neighbouring Nauru — rehabilitation work alone on Ocean Island would cost \$40m. And those were pre-inflation dollars.

The failure to link any financial settlement to a political proposition on the independence issue also guaranteed the exercise's failure.

So there you have it. The talks broke down and the British Government went on to make a largely unsuccessful appeal for crown privilege on most of the embarrassing confidential documents dealing with phosphate dealings between the BPC partners (a course it had foreshadowed in its original letter to the Australian Government).

Despite this setback, the first case against the BPC commissioners went ahead with remarkable little adverse publicity of the sort Australia feared, and the Banabans await their "just dues" with hope — and one imagines, not a little trepidation if the sorry history of their case is any guide.



SENATOR WILLESEE

precedents and encourage attempts to recover damages from similar extractive ventures in other former territories."

The British letter to Rowlands had broadly suggested a maximum cash settlement of £2.5m.

An added political sweetener, if necessary, would be that the three Governments should be ready to discuss the principle of separation of Ocean Island from the Gilbert and Ellice Islands after completion of phosphate mining, on the basis of some form of association with Fiji."

Before the talks with the Banabans, however, the three Governments had to meet in London to agree on what they would offer and how it would be paid.

This they did, and the final terms were presumably given a final OK by the Australian Cabinet, since Senator Willesee had said in his Cabinet submission that government endorsement would "of course be required."

It is known that the Australians refrained from endorsing the British proposal to link any out-of-court settlement with the politically delicate question of Ocean Island's independence — mainly because that was a matter purely for the British,

# Letters to the EDITOR

## Return of Banabans

Sir - It is indeed surprising to find that the Banabans have the intention of resettling their homeland according to Mr. Teai in his recent letter.

If Mr Teai is serious he should begin advising his councillors and people to make plans for a homeward journey instead of wasting everybody's time bellowing in a country of which he would not like to continue being a citizen.

What cannot be tolerated is the fact that for too long the Banabans have been publicising their motherland (Banaba) as a place where they shall live and die when in reality they have demonstrated beyond any reasonable doubt that they would rather remain on Rabi.

Looking back to the time Fiji was making plans for her independence, one recalls that the Banabans were allowed to choose between going back or to becoming Fiji citizens.

For obvious reasons, including that of Fiji being naturally more fertile than the rocky, waterless Banaba, they chose NOT to go home.

Last year, small groups of old and young from Rabi went to see their homeland but without any intention to settle.

What a way of showing the so-called undying love for the homeland! Now Mr Teai is saying they will go home.

Is it from the heart or is it political propaganda?

The love of money has been the driving motive. In fact, the ultimate goal haunting them to act at all costs even if they have to go to the extent of not only rejecting their culture but also putting the Gilbertese people and Government at pain.

Claims of cultural difference, national identity, self-determination and overall political independence have been used as the means towards this goal.

What they have not realised is the fact that they are citizens of a country whose laws do not provide for landowners to claim a mining royalty.

The Gilbertese colonial government has been more than generous by using a Mining Ordinance which provides for 50 per cent of the phosphate royalty (which she could have totally retained for her 50,000 people) to go untaxed to the 2500 Banabans on Rabi with the hope that they, as a migrant group, they use it to develop and maintain a good standard of life.

Are they?  
Are the Banaban leaders attempting to repeat the Bougainville story? Perhaps they would achieve more than

their Bougainville counterparts considering the fact that they have the financial power.

What must also be borne in mind is the possibility of the Gilbertese Government adopting a mining ordinance similar to that of Fiji Papua New Guinea and Australia.

But I know for sure that the Gilbertese Government would always maintain a high level of love, generosity and tolerance towards those whom it considers brothers.

Is Mr Teai not clear that his grandmother came from the Gilberts, his lands are still awaiting him at Arorae (the most southerly island of the Gilberts) and that according to a Banaban, custom one must inherit the identity and birchrights of the mother.

Furthermore, as a descendant of a Gilbertese woman, he should be more versed with the legendary and historical background of the Gilbertese (formerly Tunganuans) people than what he has so far demonstrated.

Is he not aware of the fact that his grandmother's people had through the course of pre-European era, peacefully or otherwise, inhabited, settled, dominated or conquered the widely scattered neighbouring islands, including Banaba (200 miles west of Tarawa), the Line and the Phoenix Islands (2000 miles east) to the extent that the people of this wide region (enclosing Banaba, the Gilberts, the line and the Phoenix

group), now administered by one Government, speak one common language which is referred to as Gilbertese?

The British colonisers as early as 1910 had recognised this fact and therefore put the whole region under one colonial government.

The Ellice (now Tuvalu) was consciously incorporated into the same colony purely for administrative rather than for cultural convenience as evidenced by the absence of any political fuss or confrontation when the Ellicians wanted the separation.

Although Mr Teai doubts, I must stress the point that if Banaba can separate on a cultural geographical basis, then the Line or the Phoenix could do it more easily.

And what then would eventually become of the 50,000 population if it were to start disintegrating itself into

multiple nations?  
Who would deny that the Rabi Holdings has been making no overall profits from the time it began operation?

It is stated that the company appears expanding because of the million dollars in subsidies derived from the peoples share of the phosphate royalty.

Few are flourishing while many have to be kept alive spiritually with the promise of a good harvest after a period's toil and labour.

Where is the leadership that I, as a lover and brother of many Banabans, can trust to keep my Banaban friends a happy and prosperous people?

If the Banaban leaders feel that they are ready for independence then they must demonstrate two things; Their qualities and declining dependence on foreign advisers. -  
TEBURORO TITO, USP, Suva  
LEBSITO, U.S.P., Suva.

Fiji Times 15/9/76

# Letters to the EDITOR

## Guarantees to the Banabans

Sir - I am given to understand that your issue of September 1 contained a letter from Mr Taomati Teai, Secretary to the Rabi Council stating that the Chief Minister of the Gilbert Islands has said that his Government will not feel bound by guarantees given by Britain.

This statement is false. The Rabi Council previously alleged that this statement was made at the meeting in Tarawa on June 19. I was present at that meeting as were many others from a number of different countries.

All approached have agreed that the Chief Minister made no such statement and it is perhaps of interest that the Chief Minister has already received an apology from one of those who repeated it.

Only by the greatest stretch of the imagination could what the Chief Minister say, (which was that he welcomed the fact that for the first time the Gilbert Islands and the Rabi Council were to be direct signatories of an agreement) be given the meaning given it by Mr Teai.

Should anyone still have the slightest doubts regarding the Gilbert Islands integrity, may I draw attention to the Chief Minister's offer to the Banabans in which he proposed that any agreement between them should be registered and supervised by the United Nations and be guaranteed by

the Government of Fiji and the United Kingdom.

Additionally, if there was the slightest intention of avoiding Gilbert Islands' obligations to the Banabans, it is difficult to see why at the initiative of the Chief Minister their rights, presently the subject of a British Government Statement of Intentions, are being written into the Gilbert Islands Constitution. - OTIUEA TANENTOA, Minister for Commerce and Industry, Gilbert Islands.

## Banaban assurance

Sir - Whatever the merits of the Banaban claim for independence I would be grateful if you would allow me to assure the people of Fiji, through your columns, that their Government has done nothing about it to cause bad feeling between Fiji and the Gilbert Islands.

Certainly our Prime Minister has offered to act as chairman of a proposed round-table conference to try to solve some of the problems involved and we are confident that he would be absolutely fair to all.

Apart from that, he has been kind enough to say that Fiji would consider some form of association between an independent Banaba and Fiji, but he has made it absolutely clear that the Government of Fiji cannot involve itself in our

struggle.  
Any bad feeling therefore must be one-sided, confined to the Gilberts and - if it exists at all - must arise from events over which neither the Government of Fiji nor the Banabans exercise any control.

The Banabans do recognise the economic problems of the Gilberts. We have proposed solutions that seem eminently reasonable.

Your editorial (September 13) refers to the "phosphate millions" that we have in the bank. We only wish you were right.

It is the Gilberts that have the phosphate millions - a hundred millions, our financial advisers calculate - plus bright prospects of continued economic aid from Britain.

We are thankful for what we have. We will try to preserve friendship with everyone.

But we shall never forget the idea of regaining the independence that Britain took from us, or of trying to prevent our homeland falling under the sovereignty of people who have never had it in all our history. - T. TEAI, Secretary, Rabi Council of Leaders.



# BANABANS

## Gilbert Islands Government puts its case

THE Gilbert Islands Government has accused the Banabans of making misleading statements about their claim for Ocean Island's independence and says they deserve better advice than they are getting from official and other advisers.

The Gilbertese position on Ocean Island is set out in a long statement entitled: Ocean Island — some facts the Banabans ignore.

The Banabans have had an "emotionally attractive" case presented on their behalf, the statement says.

It goes on: "Those who feel convinced by it would do well to call for an account from the Banaban Funds Trust Board of the management of their funds, and their relations with official and other advisers."

"We have sympathy for their treatment in the past and for the difficulties which as an immigrant group they face."

### Kinsmen

"We wish them well, but we believe that our kinsmen deserve better advice from those better acquainted with the people of the Pacific, and better leadership."

The statement is the latest round in the argument over the Banaban demand that their homeland, Ocean Island, should be created as an independent state instead of becoming a permanent part of the shortly to be self-govern-

ning, and in 1978 independent — Gilbert Islands.

It says the Banaban claim for independence on the basis of former separate identity is one that each of the 16 other Gilbert Islands could make.

It denies the Banaban claim that they were never consulted about having their island annexed by Britain.

### Politically

Ocean Island had politically been part of the Gilberts for 75 years and for a time had been the capital.

When the Banabans had been resettled at Rabi in Fiji in 1947, 152 of the 337 men had come from other Gilbert Islands, apart from Banaba.

Even today more than 250 of the 2000 people at Rabi had both parents born in the Gilberts other than Banaba.

"It is indeed doubtful whether there is a single Banaban family which does not have relatives in the other Gilbert Islands," the statement says.

It claims: "There is a geographical unity within the

Gilbert Islands, including Banaba, which is greater than found anywhere else in the Pacific."

Other Gilbertese groups were living in Fiji, the Solomons, New Hebrides and US Trust Territory, but none were claiming independence for their former home islands.

The statement says it is questionable whether the Banabans would want to live on Ocean Island after phosphate mining ended there.

Their ownership of the island was not challenged and they always be welcome there.

### Ignored

"They do not need sovereignty in order to re-settle or rehabilitate their island," it says.

Noting that the Banabans wanted to go their own way, as the Ellice Islanders had, the statement says they ignored a difference in kind.

Ellice Islanders were a different race, spoke a different language and their islands were geographically remote from the Gilberts.

The Banabans had

"misrepresented the facts" in observing that the Ellice people had not claimed any of Ocean Island's phosphate revenue, because the Ellice had acknowledged that it did not belong to them.

The statement says the Banabans knew perfectly well that they would be asked to take part in the final conference on independence for the Gilbert when the time come.

"But they can hardly expect, as citizens of Fiji, to participate in the day to day administration of the Gilbert Islands, although there has never been anything to prevent the Banabans living on Ocean Island nominating a candidate in national elections to the House of Assembly."

The Gilbert Islands Government had made a 15-point offer to the Banabans regarding their constitutional position, but Tebuke Rotan, the Banaban spokesman, had refused to discuss it.

### Refused

"The Banabans ask what trust can they have in a constitution," the statement says.

"There is no instance of the Gilbert Islands Government failing to honour the provisions of the constitution."

But in recognition of the sensitivity of the Banabans, the Chief Minister included in his offer, rejected without discussion, a proposal that Britain and Fiji should be asked to guarantee any agreement between the Gilberts and the Banabans, and that the United Nations be asked to supervise the agreement's provisions.

## Banabans dispute

### 'no role' view

Banaban leaders yesterday disputed a statement by the Governor of the Gilbert Islands Colony that they have no particular role to play in talks on self-government for the colony.

Mr Thomas Teai, secretary to the Rabi Council of Leaders, challenged the Governor, Mr John Smith, to clarify his claim — reported in the Fiji Times yesterday — that the Banaban issue was quite separate from matters dealt with in London talks on constitutional aspects of internal self-government for the colony.

#### NOT BOUND

Referring to the Governor's reported statement that internal self-government for the Gilberts would not change guarantees that the British Government had given the Banabans, Mr Teai said: "The Chief Minister of

the Gilberts has disclosed that once the colony becomes independent its Government will not feel bound by any guarantees given by Britain.

"Mr Smith says Ocean Island has been linked with the Gilberts for a long time.

"It has, in fact, been linked with the Gilberts simply because such a link suited Britain — and that association has not been as lengthy as the link between the Gilberts and the Ellice islands.

"Yet the Ellice people were allowed to break away and become independent as Tuvalu."

# Letters to the EDITOR

Facts wrong

Sir — Mr Teburoro Tito has lunged into print again — and again he has done it without knowing what he is writing out (Fiji Times September 1).

His teacher should tell him: Before you leave the classroom write out 100 times

"I must do my homework, I must get my facts right!"

I can assure Mr Teburoro I know I can own land on Arorae through my grandmother, just as I know he does not own nor can he own land on Ocean Island from either his maternal or paternal lineage.

As for Mr Otiuea Tanetoca's denial that his Chief Minister made the statement attributed to him by my colleagues and I, we stand by our letter to you. — T. TEAI, Secretary, Rabi Council of Leaders.

# Letters to the EDITOR

*Fiji Times 9/9/76*

Fiji or Ratu Julian Toganivalu, a high chief of Fiji, to whom we have often turned for advice and who have given it generously.

The same administration persists in calling us their "kin-men." Perhaps it thinks that if it says this often enough people will start to believe it.

We would not mind if the Gilbertese were to refer to us as "Our Banaban cousins" in the same way as the British refer to their "American cousins," a relationship that is not to be taken too literally. But the kinship that the Gilbertese are so anxious to claim goes no deeper than that.

Intermarriage between Banabans and Gilbertese does not change the racial origin of the participants. A Gilbertese marrying a Banaban remains a Gilbertese just as a Fijian marrying a Tongan remains a Fijian.

The Gilbert Islands statement mentions, rather puzzlingly, that when we

Banabans came to live in Fiji after the war we brought 152 Gilbertese men with us. So what?

They had been with us in Japanese captivity and we had shared many hardships. They asked us to take them to Rabi. That establishes sympathy and friendship. Nothing more.

They remain Gilbertese. They own no land on Rabi, as they would if they were Banabans.

The Gilbertese statement is reported to say that it is questionable whether the Banabans would want to live on Ocean Island after the phosphate mining is finished. There is no question about it: We are going back.

It is no use the Gilbertese administration denying that the Banabans were never consulted about having our homeland annexed by Britain. Such denials cannot change historical fact.

They say that the Banaban claim for independence on the basis of former separate identity "is one that each of the 16 other Gilbert Islands could make." We doubt it.

The 16 atolls of the Gilbert group were known to their people as Tungaru long before

the British came and renamed them the Gilberts.

That acceptance of a common name (the name to which they will revert after independence) implies acknowledgement by all Tungaruans that they were one race, although they made war on each other.

Ocean Island, or Banaba, was never known as part of Tungaru. We were separate then. We are still separate in spite of our inclusion in the Gilberts for British administrative convenience.

To reply, point by point, to all the flaws in the Gilbertese statement would take too much of your space but I do invite its authors to be more specific when they say that those who feel convinced by our case would do well to call for an account from the Banaban Funds Trust Board of the management of their funds and their relations with official and other advisers. What are they implying?

Is their case so weak that they must fall back on innuendo to try to discredit our leaders and our advisers? — THOMAS TEAI, secretary, Rabi Council of Leaders.

## Reply to Gilberts

Sir — So the Gilbert Islands administration believes that we Banabans deserve better advice from people better acquainted with the Pacific? (Fiji Times, September 8).

We appreciate its concern. But we are quite satisfied that nobody knows the Pacific better than the Prime Minister of

*Fiji Times August 31*

## GOVERNOR BACK FROM TALKS

The Banabans have no particular role to play in talks between Britain and the Gilbert Islands on self-government for the Gilberts, according to the British colony's Governor, Mr John Smith.

Speaking in a radio interview after his return to Tarawa from constitutional talks in London, Mr Smith said the Banaban issue was "quite separate" from matters that had been dealt with in London, the Atoll Pioneer reports.

### DECLARED

He said while the Banabans argued that their position changed as constitutional progress was made within the Gilberts, they had refused to discuss an offer made by the Gilberts Chief Minister.

"The introduction of internal self-government does not in any way change the present position of Ocean

# 'No role' for the Banaban people

Island or the guarantees that the Banabans have from the British govern-

ment, he said. The Banaban community, which lives in Fiji, is

pressing for the separation of Ocean Island, their homeland from the Gilberts.

They have claimed that the Gilberts move towards independence, and their exclusion from constitutional discussions on the British colony's future, could lead against their wishes to their permanent incorporation as part of the Gilberts.

Mr Smith said the Gilbertese Chief Minister, Mr Naboua Ratieta, had asked the Banabans to drop their independence claim for Ocean Island in return for such things as belonging status, an Ocean Island seat in the House of Assembly, and, if Fiji agreed, dual citizenship.

Mr Smith said that in any case the House of Assembly had declared that it had no wish to give up sovereignty over Ocean Island.

Ocean Island had been linked with the Gilberts for a long time and was the former capital, he said.

# New campaign by Banabans

A fresh international campaign is being launched by the Banaban people to win independence for Ocean Island and to obtain more compensation for the phosphate mined from it.

Appeals will be aimed at the United Nations, the South Pacific Forum and an already largely sympathetic British public.

As a last resort the Banabans may use their support in Britain's House of Commons to block independence for the Gilbert Islands, of which Ocean Island is at present politically part as a British colony.

"Our platform is not changed from that of the previous council," the newly-elected Chairman of the Rabi Council of Leaders, the Reverend Tebaiti Tawaka, said in a message to supporters.

"We want immediate self-determination for Banaba (the Banaban name for Ocean Island), immediate direct payment of the \$10,000,000 offered to us by Britain, and financial assistance for our administration and development."

The Banabans, most of whom live in Fiji have been waging a campaign over Ocean Island, their original home for many years.

They want the island to be separated from the Gilberts which are expected to become independent soon and given its own independence, possibly in association with Fiji.

They want a bigger share of the benefits derived from mining of the island's phosphate deposits by the

British, Australian and New Zealand directed British Phosphate Commission.

The Banabans have been offered a \$10,000,000 lump sum with a suggestion that it should be paid into a trust.

Mr Tawaka and Mr Thomas Teal, secretary of the council, returned to Fiji from Britain recently.

In Britain they had discussions with the Justice for the Banabans committee headed by Sir Bernard Brain MP which has been authorised to act in Britain on the council's behalf.

"Time is running out because of approaching independence for the Gilberts," Mr Tawaka said.

Enfield, Middlesex.

unfair treatment

Winchester, Hants.

Cambridge.

## The islanders who needed no persuasion to make Rabi their permanent home

Sir,—I was glad to see Mrs Braham's letter on the Banabans (March 8) which helps to set the record straight. Both she and Mr Hiley (February 16) are right to point out that the Vice-Chancellor brought out very clearly in his judgment that the picture that has been deliberately painted of the Banabans having been "conned" or coerced into settling on Rabi is entirely false.

Mr Hooson (February 21) seeks to suggest that British officials "interpreted" a ballot by the Banabans about staying on Rabi as a vote to make Rabi their permanent headquarters and home. But two months before the ballot the Banabans had written, on March 7, 1947, to the High Commissioner for the Western Pacific, stressing their desire to make Rabi their new headquarters and home. The secret ballot in May 1947 gave the whole community the opportunity to vote on the plans for the future set out in the statement of intentions prepared by the Government. Under it the Banabans' rights as landowners on, and of access to, Ocean Island were confirmed, and they remain effective today.

Mr Hooley argues (February 25) that the passage he quotes from one of the thousands of documents before the Vice-Chancellor shows that Mr Hiley's emphasis on the voluntary nature of the Banabans' move to Rabi is inaccurate. Anyone who reads the Vice-Chancellor's judgment will find that Mr Hiley is right. What was said and done in 1945 has to be seen in its context.

Even before the First World War officials were concerned at the effect of mining on Ocean Island, and the idea of a second home began to be discussed. As Sir Robert Megarry noted: "The Colonial Office was emphatic that there could be no question of removing the Banabans from Ocean Island unless the transfer was most clearly for their benefit and also voluntary in the full sense of the word."

During the 1930s, 2d per ton of the Banabans' royalties were set aside in the Banaban Provident Fund for the specific purpose of buying a new island. In 1940 the Banabans petitioned for an island in the Fiji group, and in 1942 Rabi was purchased at a cost

of £A25,000 from the accumulated funds. The year 1945, when the Japanese occupation of Ocean Island ended, was the "moment of truth" both for the phosphate industry on Ocean Island and for the Banabans.

Were the British Phosphate Commissioners to restore the phosphate workings and plant and carry on mining (in which case fresh land would need to be leased within a couple of years and much of the rest of Ocean Island would become uninhabitable)? Or were they to concentrate on the larger scale Nauru operation and close down Ocean Island (in which case there would be no further royalties for the Banabans and the Gilbertese)? Were the Banabans, who had been deported by the Japanese to different parts of the Pacific and collected up by the British after the war, to go back to Ocean Island (where their village had been destroyed and there were no food stocks)?

They agreed unanimously in 1945 to go to Rabi for a period of two years, with the option of permanently settling there; if at the end of

two years any or all of them wished to return to Ocean Island, transport would be provided free by the Colony Government.

Myths and arguments about the past do not help to tackle the future. The British Government has made clear that it is prepared to help the Banabans. I hope that Britain, Australia, and New Zealand can work out a sensible plan to help the Banaban community as a whole secure their economic future on Rabi after phosphate revenues end.

This surely is the right way ahead. Mr Hooley is wrong to say that the Foreign Office tries "to play off Gilbertese interests against the Banaban claims." The fact that the phosphate revenues from Ocean Island are shared between the two communities is surely something to be welcomed.

(Sir) John Peel,  
(Resident Commissioner  
G & EIC 1949-51).  
51 Cambridge Street,  
London SW1.

Sports letters,  
page 17

# Justice to the Banabans: what they asked for and what they received

Sir,—My attention has been drawn to certain articles which have appeared in the Guardian concerning the Banabans. They present a very incomplete picture, as did the BBC documentary.

Put shortly, Ocean Island has been described as a lost paradise, and exceptionally fertile. There has been no mention of the fact that the island has suffered 26 droughts in 65 years, and was considered to be one of the least fertile islands in the Gilbert and Ellice group.

Before the coming of the white man in 1900, with the phosphate industry, the 500 Banabans had eked out a bare subsistence on Ocean Island. During the severest droughts, they died in their hundreds.

A picture of coercion to go to Rabi and stay there has been built up and fostered. In 1940 the Banabans with no outside prompting, presented a petition to the Government in which they asked for a new home instead of and in addition to Ocean Island. They requested that the new island should be in the Fiji Group, so that they might remain under the same High Commissioner. Rabi Island was bought in 1942. War conditions made it impossible to take the Banabans on a

voyage of inspection. When the Japanese invaded Ocean Island they killed or deported most of the inhabitants and destroyed nearly all the Banabans' houses and many of the trees. It was not practicable for the Banabans to return there immediately after the war. All the Banabans consented to go to Rabi for a two year period on a trial basis; it had not been ravaged by war, and although it had a far greater rainfall than parched Ocean Island, which proved an initial disadvantage, it was obviously a sensible step in the long run.

In 1946 a report was compiled on the plight of the Banabans by Professor Maude. It noted the progressive decline of the people over the past 17 years, and concluded that the best hope for the Banabans was for them to settle on Rabi and build a new life. Rabi is an island more than ten times the size of Ocean Island, and has far greater potential—if one excludes the phosphate revenues, which could only be produced by the destruction of Ocean Island. Unfortunately the annuities produced by the phosphate industry and distributed to the Banabans did their recipients nothing but harm.

Once on Rabi, the Banabans refused to consider the question of remaining there until a new agreement was entered into with the British Phosphate Commissioners. They were anxious to sell more land at that time. The Maude report recommended one final deal with the Banabans which would incorporate all commercially minable land. The tragedy was that no steps were taken to ensure that the Banabans had proper advice, and that they received the best possible terms.

The deal was concluded in a morning, and the next day signing began. In the meantime, the Banabans had by an overwhelming majority, indicated that they wished to stay on Rabi and make it their new home and headquarters, so long as their rights over Ocean Island were preserved. In April 1947 a secret ballot was held; there was a 95 per cent turnout, and 85 per cent voted to stay on Rabi permanently.

The Banabans want compensation. Not so that they can replant one sixth of Ocean Island—a task which the Judge dismissed as futile, and in terms of return for expenditure, quite absurd—but to make up the difference between the market price and the price that they were allotted. They have

a strong moral claim to this money, but how much this should be remains a moot point.

In my view it is disappointing that an assessment was not made on the basis of underpayment from 1931 onwards. It must be remembered however, that the plaintiff's claim in law failed in its entirety, in the Crown Action. In such circumstances it is not normal chancery procedure to make an assessment of the amounts to which a plaintiff would have been entitled should he have succeeded. On the basis that the action might go to appeal, however, he could have done so, although this procedure is not followed in the Chancery Division; but he did not choose to exercise his discretion in this way. It could be argued in support of his decision, that for him to have made such an assessment, coupled with his directive to the Crown through the person of the Attorney-General, would have amounted to a usurpation of the powers of the Executive.

Certainly the judgment was long, but to say that it said nothing is simply not true. The general background ran to some 140 pages.

Diana Brahams (Mrs).  
London WC2.

*Guardian 8/3*

## LETTERS TO THE EDITOR

*Guardian 11/3*

# How the Banabans settled on Rabi

Sir,—Mrs Brahams (March 8) writes that the tragedy was that no steps were taken to ensure that the Banabans had proper advice before they entered into the 1947 Agreement to lease more land for mining to the British Phosphate Commissioners. That is only part of the story. It was an equally serious breach of the Government's duties to the Banabans that it did not ensure that the Islanders had independent advice about where they should settle.

The contemporaneous documents, which Mrs Brahams does not seem to have considered, show that in 1945 the Banabans were given no real choice.

At the beginning of October, 1945 Mr Vaskees, the Secretary to the Western Pacific High Commission wrote "it is considered most desirable that this unique opportunity should be taken for taking the Banabans to Rabi instead of returning them to Ocean Island. It is essential that the BPC should lend the Government a vessel for the purpose of transporting the natives.

This request is made with confidence since the removal of the Banabans and the settlement of the Banaban question is even more to the essential benefit of the BPC than the Government."

The BPC provided a ship. The Banabans, worn out from their long ordeal under the Japanese, were collected at Tarawa. They were told they could not return to Ocean Island because their houses had been destroyed by the Japanese. They do not appear to have been informed that the BPC were recruiting 600 Gilbertese to work on Ocean Island in the phosphate industry. No one suggested that some Banabans might work in the phosphate industry. No one told them there would be no houses waiting for them on Rabi and they would have to live in tents. No one suggested they could live in tents on Ocean Island.

Major Kennedy the British Officer in charge of the move, records in his report that he told the Banabans that no person would be forced to go to Rabi against

his will but that those who remained behind "would be obliged to fend for themselves in the Gilbert Islands in the same way as they had done during the Japanese occupation."

It is not surprising that the Banabans decided to go to Rabi.

It is not an episode in our colonial history in which we can take much pride, and it is not made any better by the fact that, as Mrs Brahams rightly records, in 1940 the Banabans were understandably a second island in addition to Ocean Island. They never wanted or intended to abandon their homeland.—Yours sincerely,

Jenny Barraclough,  
Producer: "Go Tell It To The Judge."

BBC,  
Kensington House,  
London W14.

Sir,—In her letter Mrs Brahams criticises the description of Ocean Island as a lost paradise. I do not know whether she is justified. I have never been there. How-

ever, as a former Administrative Officer of Fiji who was directly concerned with the agricultural development of Rabi Island by the Banabans I would like to modify the impression of Rabi, given later in her letter, as a paradise gained. She says that Rabi is ten times the size of Ocean Island and has far greater potential.

She does not say that nine tenths of Rabi is mountainous, with difficult access and only moderately fertile—as the Wright & Twyford soil maps show. In fact its fertility is in marked contrast to the neighbouring island of Taveuni. I must also query the assertion that "the annuities produced by the phosphate industry and distributed to the Banabans did their recipients nothing but harm." I understood that a small hospital, a school, a road, a wharf and housing were among the projects paid for out of these funds.—Yours faithfully,

Peter Westwood,  
102 Airic Avenue,  
New Malden,  
Surrey.

The sudden end of a ballet group

Pakistan at the polls: unfair?

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# DISPUTE IN THE PACIFIC OCEAN

## The Banaban people want their island back

IF the International Dateline did not bend but ran straight down the 180th meridian, the people of Rambi Island, when looking across to Vanua Levu, Fiji's second island, would be looking into tomorrow.

It is with Fiji that the people of Rambi see their future. Populated by about 2,000 Banabans — who came from Ocean Island 27 years ago when that island became virtually uninhabitable from phosphate mining — Rambi Island was bought by the British Government and given to the Banabans, though it remains Fijian sovereign territory.

The rich phosphate is the main obstacle to the Banaban aim of making Ocean Island (or Banaba) independent in free association with Fiji.

The phosphate is being mined by the British Phosphate Commission, comprising Britain, Australia and New Zealand, which pays royalties to the whole British colony of the Gilbert and Ellice Islands, which includes Ocean Island. Of these, the Banabans get about a seventh, or \$A3 million a year. Until recent rises in phosphate prices, this figure was much lower.

However, the Banabans assert that Ocean Island is not part of the Gilbert Islands which are 450 kilometres away, and that the Banabans are a separate race from the Gilbertese and therefore should be independent. They point out that Ocean Island was not taken over by the British and made part of the Gilbert Islands until after the discovery of phosphate in 1900, eight years after the Gilbert Islands were made a British protectorate.

The Banabans say neither they nor the Gilbertese were consulted in the union. As one Banaban spokesman said, "It was like a shotgun wedding with the British holding the gun".

The Banabans therefore argue that all the phosphate money, about \$A21 million a year, should go to them.

Gilbert and Ellice Islanders compared to 2,000 Banabans. The Banabans say that in absolute terms, the Gilbertese are getting too much especially as the phosphate is coming from "their" island.

Mr Ratieta has another problem which would make him more reluctant to see Ocean Island go. The Ellice Islanders, comprising about 5,500 people, mainly Polynesians, have voted overwhelmingly in a referendum to break away from the 55,500 mainly Micronesian Gilbert Islanders to form a separate British dependency.

No action has been taken on the referendum yet, but it poses another threat of fragmentation to the colony and is being used as a precedent by the Banabans. The Banabans say if the Ellice Islanders can break away why cannot they do the same?

The British Government, which must make the final decision, has rejected this analogy and seems to be avoiding the issue. A spokesman for the British High Commission in Suva said that the Banaban proposal was still under study.

Unless the Government of the Gilbert Islands agreed to an independent Ocean Island, Britain could not allow it.

As the Gilbert Islands had internal self-government, it was not purely a question for the

### From CRISPIN HULL in Suva

British Government, but a decision to be taken in conjunction with the Gilbert Islands Government.

In rejecting the analogy with the Ellice islands, the spokesman said the Gilbert Islands Government had agreed to the Ellice proposal but had rejected independence for Ocean Island — however, the Ellice Islands have no phosphate.

The Banabans allege the British want to keep Ocean Island with the Gilberts so that the Australian and New Zealand Governments, through the Phosphate Commission, will indirectly subsidise British obligations to the Gilbert and Ellice Islands colony.

There have been allegations that the Phosphate Commission has been stepping up production on Ocean Island to mine it out before a decision on the Banabans has to be made. Present estimates indicate there are about four years of phosphate left, but with reports that production has been increased from 400,000 tonnes a year to 600,000 tonnes, this could be shorter.

Australia has an interest in the future of Ocean Island in that, as a member of the Phosphate Commission, it is being sued in the High Court of Justice in London by the Banabans.

There are two court cases, both expected to be heard in the

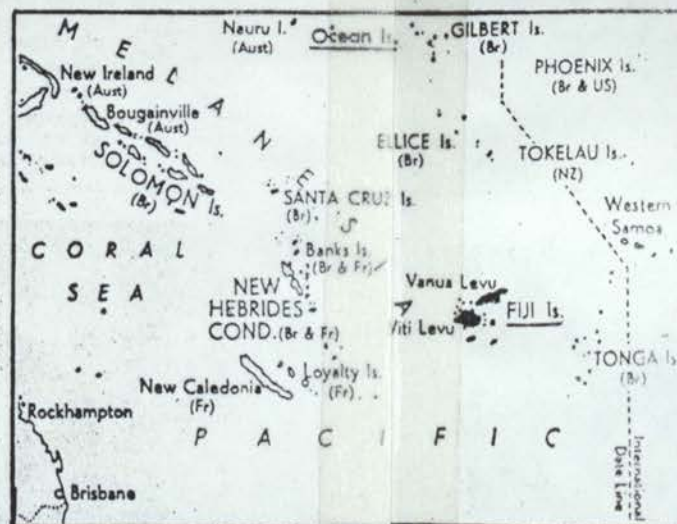
middle of next year. The first, to which Australia is a party, is against the Phosphate Commission seeking to enforce an agreement made with the Banabans in 1913 which allegedly provided for the replanting with food-bearing trees areas on Ocean Island affected by phosphate mining. As this involves most of the island it will cost about \$A20 million.

The second case, against the British Government, is a claim for all the royalties paid to the Crown by the Pacific Phosphate Company, which mined Ocean Island before 1913 when it was superseded by the commission. The Banabans are claiming this money should have been paid to them.

Despite the court cases, a spokesman for the Australian High Commission in Suva said the Banaban proposal was essentially a problem for the Fijian and British Governments, and the Banabans.

The Fijian reaction to the Banaban request for free association has been hedged with qualifications. Fiji has said it will consider the proposal "favourably" and will accept it if all the parties are agreeable. The problem is that Fiji will not say if it regards the Gilbert Islands as one of the parties.

Mr Ratieta has interpreted the Fijian Government and the Prime Minister, Ratu Sir Kamisese Mara, as saying the problem is "not Fiji's business". However, it seems clear that



Fiji would welcome an independent Banaba — and with it the phosphate income and a guaranteed source of fertiliser for its sugar industry.

The Banabans have not been idle. A delegation, led by the Reverend Tebuke Rotan, put their case before the United Nations decolonisation committee in New York last month and invited members to visit Ocean Island next year.

Mr Rotan went from the UN to London where he hopes to meet the Foreign Secretary, Mr Callaghan. He will argue that the financial problems that will arise for the Gilbertese are no reason to bar independence for Ocean Island.

He suggested at the UN that the Australian and New Zealand Governments should join the British Government in giving extensive aid to the Gilbertese — after all, they had the

benefit of cheap phosphate for their farmers for many years.

Meanwhile, the Banabans have realised the phosphate income will not continue indefinitely and have expanded their businesses in Suva and have entered the shipping industry. Despite large injections of phosphate money, however, these enterprises are not running at a profit.

Most Banabans are Fijian citizens because of the Government's strict work-permit system. Free association would allow the citizens of an independent Banaba to live and work in Fiji without permits.

The Banabans are set on stopping the drain of phosphate money from what they say is their island to the Gilbert Islands and if the British Government, like the International Dateline, bends a little, then the Banabans will be able to do this and look to a future in association with Fiji.

The Chief Minister for the Gilbert and Ellice Islands, Mr Naboua Ratieta, strongly opposes the Banaban move. About 52 per cent of the Gilbert Islands' income is from phosphate revenue. Mr Ratieta says the people of the Gilbert and Ellice Islands receive only \$A14.17 per head for each \$A1 million in phosphate money, whereas the Banabans get \$A68.83 a head.

These figures look fine until one considers there are 61



# OCEAN ISLAND

## - SOME FACTS THE BANABANS IGNORE

Issued on behalf of the Government of  
the Gilbert Islands

Before the July meeting of the South Pacific Forum, the Rabi Council of Leaders circulated a paper entitled 'Set Our People Free. The case against Britain and the Gilberts perpetuating colonialism in the Pacific'.

The Banabans, the people of Banaba (which is the Gilbertese name for Ocean Island) are our brothers and sisters and we have no wish to quarrel with them, but the paper which has been sent to all Pacific leaders contains distortions of facts which we cannot allow to go uncorrected.

### Before the British

The Banabans claim that until Ocean Island was annexed by Britain 'we lived in freedom, our own masters, owing allegiance to no one. We had no ties with any other island. We acknowledged none as sovereign. Nor, to be fair, did any other island or group of islands claim that Banaba and the Banabans were components of a wider community or that they had a right to impose their will upon us'. Politically this is correct, and the same could be said for other Gilbert Islands. But, as the Banabans themselves admit, they did have ethnic and cultural ties with other islands. In their own words 'immigrants arrived in our midst by canoe and were hospitably received into our community'. Exactly the same pattern of migration was being repeated elsewhere in the Gilbert Islands.

The original people were Melanesian in type and were overrun by tall, fair-skinned people from Indonesia. They inter-married. The majority did not stay long but passed down the chain of atolls into Samoa. Banaba was the most isolated of the islands concerned and intercourse with other islands was inevitably spasmodic. But it went on, and in particular with Seru. A member of the Chiefly family of Banaba, tracing

his descent from Auriaria, the ancestor of the Indonesian invaders, married a Seru woman who came to Banaba with many of her relations to help increase the population of the island. It was at this point that the five villages were founded, whose names are all Gilbertese, which still form the basic structure of Banaban society in Rabi today.

Banaba was never an easy island to live on. It was poor - except for the yet undiscovered phosphate. It was the only island in Micronesia never to have a resident European trader. According to Professor Maude, when foreign ships began to call the people 'flocked on board every labour-recruiting vessel.... to be scattered wide over the Eastern Pacific'. Maude also comments that at the turn of the century only 450 people remained on Banaba.

The truth is that in the nineteenth century there was little difference between Banaba and the other Gilbert Islands. The Banaban claim for independence on the basis of former separate identity is a valid claim for independence by each of the other sixteen Gilbert Islands. We know that although there had been inter island wars and occasional conquest, the autonomy of the various island governments was recognised and respected by the European powers whose traders were often in dispute with the islanders. (See Scarr: Fragments of Empire.)

It was the arrival of the British which gave the islands a uniform administration for the first time. If Ocean Island was at first left out of the Protectorate, it was no more a logical exclusion than the inclusion of both Tokelau and Ellice Islands. The island was small, had no traders whose disputes with islanders and one another had led to the involvement of the European powers in the first place, and lay to the west of the main chain of atolls. In the context of the time there was little difference between acquisition

in 1892 and acquisition in 1901.

### The Arrival of the British

The Banabans claim that while they were never consulted about British annexation, the other Gilbert Islands were. 'It is a matter of record that a British warship went around the Gilbert Islands, before Britain proclaimed a protectorate over them, and its commander addressed meetings of leaders and peoples asking whether they would accept Queen Victoria's protection'. The Banabans refer to the voyage of HMS Royalist under the commander of Capt. Davis. To anyone who knows how long it takes to secure consensus in a Gilbertese Maneaba it is obvious that it would have been impossible for Capt. Davis, with only one ship averaging perhaps 5 knots, to have secured willing acquiescence to a British Protectorate from sixteen widely dispersed islands between the 27 May and 12 June, particularly when some of them were actually at war with one another. It was a matter of superior force. When you arrive with a gunboat and make a proclamation people are unlikely to object. Capt. Davis' own account is evidence: '27 May. (Having anchored at 9 a.m.) At noon that day I proceeded in boats with a party of seamen and marines for the King's village. Having ascertained from Mr Corrie and other traders on islands with which I had communicated that they were unaware that any Foreign Power laid claim to the Gilbert Group, I, in compliance with your secret memo of April 22nd 1892, explained my mission to the King and his council in the Maneaba or meeting house in the presence of some 300 or 400 natives and having read the proclamation declaring a British Protectorate over the Gilbert Group from that date, I hoisted the Union Jack on the King's flagstaff with the customary honours.'

Capt. Davis consulted with European traders not with the Gilbertese, and the proclamation read on 27 May in Abemama included all the other islands which he was to visit subsequently. The Proclamation itself is a bald statement and in wording not unlike the Proclamation made at Ocean Island on 28 September 1901. No mention is made of the agreement of the people. It was not a treaty. There were no local signatures.

The fact is that we found ourselves being administered by the British, whether we liked it or not, the common lot of colonial peoples. On reflection

we might be fair enough to admit that it brought some improvement, particularly on Ocean Island where the original agreement signed by Temati, the Banaban Chief, and Albert Ellis, of the Pacific Islands Company, could so easily lead to exploitation. For years it was the administration of the Gilbert and Ellice Islands which endeavoured, not always with success, to secure a better deal for the landowners of Banaba than they would otherwise have had.

### The Present

For three quarters of a century, far longer than the lifetime of most of us, Ocean Island has been administered as an integral part of the one country and for much of that time was indeed the capital.

The unifying experience of British administration and the establishment of the phosphate industry gave much greater opportunity for movement between Banaba and the other islands. When the Banaban community was re-settled on Rabi in 1947, 152 of the 337 men in the party came from Gilbert Islands other than Banaba. Even to-day of the 2,000 people living in Rabi over 250 have both parents born in Gilbert Islands other than Banaba. It is indeed doubtful whether there is a single Banaban family which does not have relatives in the other Gilbert Islands.

We look alike and we speak the same language. The language the Banabans claim to have forgotten and of which there is no record must have been an amalgam of languages of the original Melanesians and Indonesian invaders. It would be a language lost not only to the Banabans but to other islands as well. To-day it is easier for a Gilbertese from the Central and Southern Gilberts to speak with a Banaban than it is for him to speak with a Northern Gilbertese and in particular with somebody from Makin. There is a geographical unity within the Gilbert Islands, including Banaba, which is greater than that found anywhere else in the Pacific.

That the original islanders of Banaba have been living elsewhere in recent years does not in itself alter this common experience. There are other Gilbertese communities in Fiji, in the New Hebrides, in the Solomon Islands and in the Trust Territory. They do not claim independence for their former home islands or villages in association with their present countries of residence.

### The Future

The Banabans ask what use could

Ocean Island be to the Gilbertese after phosphate is finished and how could Gilbertese families be induced to stay there. The same question could be asked of the Banabans. What use will Ocean Island be to them and how will they induce those accustomed to Rabi and Fiji to live there? When mining is finished the leases will revert to the Banaban landowners, in accordance with the law of the Gilbert Islands. With the leases will go fixed assets, some of which, such as housing, will have residual value. The Gilbert Islands Government has no intention of keeping Gilbertese from other islands on Ocean Island, unless they have legitimate employment - one of the objects of making Ocean Island a closed district. It would welcome the Banabans if they wanted to re-settle. The Government provided coconuts for planting to the token settlers in 1975 and is ready to give other assistance if the Banabans show themselves to be serious. The Banabans are, and will always remain, the landowners of Ocean Island. They do not need sovereignty in order to re-settle or rehabilitate their island.

### The Phosphate Industry

It is a fact that Ocean Island is part of the Gilbert Islands and it is a fact that the Gilbert Islands Government has a right to tax mineral resources. It is no secret that phosphate taxation provides the major source of revenue for the Gilbert Islands. Exact figures are published annually.

The Banabans understandably would prefer to keep all the income accruing from phosphate for themselves. Who wouldn't? But they might ask themselves how they would have fared elsewhere in the world, particularly in the socialist countries which they single out as being most sympathetic towards their aspirations, where they would find mineral resources have long since been publicly owned as, indeed, they have in many countries with mixed economics. They would also find that in all new nations, including our Pacific neighbours, minerals legislation specifically reserves depth rights, as opposed to surface rights, to the state.

The Banabans argue that money spent by BPC in services on Ocean Island is an additional form of taxation, BPC, as is usual in mining operations in remote places anywhere in the world, has to provide special services for its employees. These services constitute

the major cost of production because Ocean Island itself cannot provide housing, water or food for the population required to mine phosphate. BPC services are provided for all employees, not just the Gilbertese. There are Australians and Chinese, and although the Banabans keep quiet about it, Banabans as well.

The Banabans working in the phosphate industry and others on Ocean Island also enjoy the services provided by the Gilbert Islands Government. Their children attend school, they send and receive mail and telegrams, and the Banaban representative is a frequent traveller on Government ships.

### Ellice Separation

The Banabans argue that they should be allowed to go their own way as have the Ellice Islanders. They ignore a difference in kind. The separate identity of the Ellice Islanders has never been questioned. They are people of a different race. They speak a different language. Their islands are geographically remote from the Gilbert Islands. Although there has been some inter-marriage, the majority of Gilbertese do not have blood relations in Tuvalu.

If the Banabans seek a similar situation to their own, they should consider the neighbouring island to Rabi, Kioa. This island was purchased by the people of Vaitupu in Tuvalu and settled about the same time as Rabi. Are the people of Kioa demanding independence for Vaitupu in association with Fiji? The separation of the Ellice Islands in October 1975 has understandably been used by the Banabans as an opportunity to press their claim for independence. But the Banabans misrepresent the facts. They say that the Tuvalu people 'do not want any part of the revenue that comes from Ocean Island because they acknowledge that it does not belong to them.' The conditions of separation were laid down by the British Government. As the United Nations Mission, invited to observe the conduct of the separation referendum (and not, as stated by the Banabans, to conduct a general mission to the Gilbert and Ellice Islands), commented in its report 'there appeared to be a general expectation that these conditions would be subject to further renegotiation following the referendum' and the Ellice Islanders considered the conditions 'as unduly harsh'. At a meeting held in Vaitupu, the heart of Tuvalu, the Mission reported 'The President of the Island Council and other



speakers focused their questions on the conditions for separation. They wanted to know...why the administering power had decided to exclude the Ellice Islanders from the benefits of the Revenue Equalization Fund' (the fund built up from phosphate revenue). In Nui 'the people hoped to approach the United Nations to help review the conditions set down by the United Kingdom.'

### The Closed District Ordinance

The Banabans say 'in flagrant breach of the 1947 covenant they (the Gilbert Islands Government) declared Banaba a closed district'. The article of the 1947 Statement of Intentions to which the Banabans refer reads:

'The Banabans shall be permitted, subject to the provisions of the laws of Fiji and further subject to shipping being available, to travel freely between Rabi Island and Ocean Island and, subject to the rights of the British Phosphate Commissioners over any lands purchased or leased to them, to reside on Ocean Island.'

That provision of the 1947 Statement has been honoured and will continue to be honoured by the Government of the Gilbert Islands. There is no instance of a Banaban being refused permission to enter Ocean Island. But former strict BPC control of entry to Ocean Island has been relaxed in recent years, and in 1974 there were over 200 'squatters' on Banaban land who had no direct connection with the phosphate industry. Living conditions on Ocean Island are difficult and not only food but fresh water has to be imported. The Government wanted to control movement into the island and reduce the numbers of unauthorised persons in an orderly fashion to prevent a major problem of logistics at the end of mining in 1978. Ocean Island was, therefore, declared a closed district in 1975.

Section 4 of the Closed Districts Ordinance reads:

'No person shall enter a closed district except -

- (a) natives of the closed district;
- (b) government officers or persons acting under the orders of the Governor in the course of their duty;
- (c) licensees'.

Native Banabans are, therefore, specifically exempt from the provisions of the law which could not be used to

exclude them from Banaba. As the Banabans very well know, not a single Banaban has in any way been prevented from going to Ocean Island or, for that matter to any other part of the Gilbert Islands. The Closed Districts Ordinance protects the interests of the absentee Banaban landowners, by controlling access to Ocean Island by Gilbertese from other islands. There was neither high handed action nor affront.

Christmas Island, where the Government had development plans which it does not want hampered by uncontrolled immigration, is also a closed district. The Phoenix Islands are prohibited areas under the Prohibited Areas Ordinance. Ocean Island has not been singled out for special treatment.

### The Gilbert Islands Defence Force

In May 1976 the House of Assembly approved a Government proposal that a small (170 men) defence force be established. The concept of a small defence force is not unusual. Papua New Guinea, Fiji and Tonga have defence forces and had them well before independence. The objectives of the Gilbert Islands Defence Force will be to discipline our young men through a period of three years national service, to provide state ceremonial (the force will include a band), to carry out development on outer islands (the force will have an engineer troop) and to support the police, if needed, in internal security duties.

The Banabans say 'We have seen weapons being shipped in. We have seen men being drilled'. This is a figment of the imagination. The legislature has so far only voted a token sum of money which is being used to acquire land, and recurrent financial provision will not be made until the 1977 budget. No weapons have been purchased and the only arms in the Gilbert Islands are 96,303 rifles in the police armoury which have been held for years past. These will be transferred to the Defence Force when established because it is not intended to continue with an armed police force. No single appointment to the Defence Force has been made and it is not expected that recruitment will begin until mid 1977.

### The Internal Self Government Talks

The Banabans complain that they did not take part in the internal self-government talks held in London in July 1976. The talks did no more than provide an opportunity for the Chief

Minister to meet Lord Goronwy-Roberts, the new UK Minister responsible, and to present to him proposals passed by the House of Assembly for constitutional advance which in no way affect the position of Ocean Island or the status of the Banabans. The Banabans know perfectly well that they have been assured by the British Government that they will be invited to participate in the final independence conference as an interested party when the time comes. But they can hardly expect, as citizens of Fiji, to participate in the day to day administration of the Gilbert Islands, although there has never been anything to prevent the Banabans living on Ocean Island nominating a candidate in national elections to the House of Assembly.

The Banabans also know that the Gilbert Islands Government has offered to discuss with them their constitutional position. The Chief Minister made a fifteen point offer in 1973. Tebuke Rotan, spokesman of the Banabans, refused to discuss it. The offer remains on the table, and is indeed being implemented by the Gilbert Islands. For example, as offered by the Chief Minister, the relevant articles of the 1947 statement of intentions are to be included in the internal self government constitution when it is introduced.

The Banabans ask what trust can they have in a constitution. There is no instance of the Gilbert Islands Government failing to honour the provisions of the constitution. But in recognition of the sensitivity of the Banabans, the Chief Minister included in his offer, rejected without discussion, a proposal that the Governments of the United Kingdom and Fiji be asked to stand as guarantors of any agreement between the Gilbert Islands and the Banabans and that the United Nations Organisation be asked to examine the operation of the agreement, ensure its provisions were honoured and recommend any changes necessary.

### The Tarawa Phosphate Talks

In June 1976 talks were held in Tarawa to review the existing arrangements for the operation of the phosphate industry. The Banabans participated fully at these talks which achieved a large measure of agreement in a friendly atmosphere. Full note of the Banaban reservations was taken and recorded. The Rabi Council representatives had no problem in initialling the record which they had helped to draft.

As a result of the discussions several requests of the Banabans were met

and revenue accruing to both the Banabans and the Gilbert Islands was increased by the elimination of certain payments to the Partner Governments. The Gilbertese listened sympathetically to the Banaban views on taxation and did not press their own view. The Gilbert Islands Government stated categorically that it had no intention whatsoever of depriving the Banabans of their phosphate earnings. The Banabans, as signatories to the record, know that it was agreed that Ocean Island phosphate would continue to be produced and disposed of by BPC. The Gilbert Islands Government has no intention of nationalising the phosphate industry. It does, however, want greater participation in management both for itself and for the Banaban landowners. This has long since been made clear and is well known not only to the Banabans but to the Governments of Australia, New Zealand and the United Kingdom. The Gilbert Islands Government has also consistently stated that it would want the Banabans represented on any management body.

When the Gilbert Islands Government commissioned an independent appraisal of the phosphate industry in 1975 to assist in decisions regarding its management, it sent a copy of the Consultants report to the Rabi Council of Leaders, thus helping the Banabans to present their case at the phosphate talks.

### The 1973 Tripartite Agreement

In 1973 the United Kingdom Government, which determines the proportion of 'take' from the phosphate industry between the Gilbert Islands Government and the Banaban landowners, the Gilbert Islands Government and the Rabi Council of Leaders signed an agreement which released additional land for mining on the basis of a 50/50 division of proceeds. The Banabans were paid a lump sum in advance, part by UK and part by the Gilbert Islands, assessed as being equivalent to 35% of the proceeds of the phosphate likely to be extracted from the new lands. The remaining 15% of their 'take' would be paid monthly by BPC along with the proceeds from phosphate extracted from old lands, not covered by the new agreement.

The agreement further provided that, at the end of the day, any surplus paid or deficiency owing would be made up by incorporation into the payments being made to the relevant party by BPC in the last year of mining.

Phosphate prices rose in 1974 and 1975, higher than had been anticipated and by the end of 1975 the Banabans were owed a sum of over \$1,000,000 by the Gilbert Islands. Although there was no contractual obligation to do so, the Gilbert Islands Government invited the Banabans to come to Tarawa to discuss an amendment to the 1973 agreement so that earlier payment could be made. With difficulty the Banabans were persuaded to discuss an amendment in Tarawa in June which was agreed and signed in London in July.

The Banabans have maintained, contrary to the truth, that a sum of money has been unlawfully withheld from them. They are also now maintaining that the Gilbert Islands has misappropriated the sum owed to the Banabans. The Gilbert Islands negotiated phased payment of the large sum involved in order not to disrupt its cash flow unduly and in order not to realise sterling investments at the present state of the market. This negotiation was entirely in keeping with the terms of the original agreement which envisaged a phased payment of any sum finally outstanding.

The Gilbert Islands Government has been understanding of the Banabans financial position and has acted generously. Any difficulties over the settlement of this matter have been made by the Banabans themselves. In the first place they wanted to deal only with the United Kingdom, refusing to recognise that the Gilbert Islands was a signatory to the agreement. This probably lost them six months before settlement. Even after agreement had been reached in

Tarawa, the Banabans legal advisers objected to a Minister of the Gilbert Islands Government signing on behalf of the Government and nearly caused further delay.

### The Reserve Funds

In the last decade revenue from phosphate has enabled the Gilbert Islands to build up reserves to provide income when phosphates are exhausted. The size of the reserves is no secret. It is published annually as are all the accounts of the Government. The reserves are invested overseas and are managed by a highly reputable firm of London stock-brokers with considerable international experience. The Gilbert Islands Government believes that the Banabans could also have built up reserves in recent years and acquired a similar fund, which, because of the population involved and because the Rabi community derives the full benefit of Fiji Government services, would by now have been worth far more per head than our own fund.

The case presented on behalf of the Banabans is emotionally attractive but those who feel convinced by it would do well to call for an account from the Banaban Funds Trust Board of the management of their funds, and their relationships with official and other advisers. We have sympathy for their treatment in the past and for the difficulties which as an immigrant group they face. We wish them well, but we believe that our kinsman deserve advice from those better acquainted with the people of the Pacific, and better leadership.

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ANNOUNCER:

BBC Programme

Thurs. 6<sup>th</sup> Jan 1977  
BBC Prog.

Now James Cameron traces the story of the longest and costliest legal case this country has known. "Go Tell It To The Judge."

- FILM -

JAMES CAMERON:

In December of last year the Law Courts finally gave judgment in the longest and costliest civil action ever heard in London.

This is a story of a people called the Banabans.

"My Lord, the plaintiffs were born on Ocean Island. A very small island just South of the Equator, it is six miles in circumference and has an area of 1500 acres."

Nobody ever bothered about this minute place until someone suddenly found it was almost solidly made of phosphate - among the richest deposits in the world. It had four villages in which dwelt a very small, peaceful and innocent people. This strange tale begins in 1900 with a bright, young New Zealander called Albert Ellis on his way to Ocean Island. Weeks before he'd found that an old rock propping open his office door was, in fact, phosphate made of generations of bird droppings, a very valuable fertiliser. It took two months to trace the source of this rock, the little pinpoint of Ocean Island.

He found a little society living on a sort of Eden, an equatorial island only 3½ kilometres across. They were great boatmen and fishermen. Indeed, they lived almost entirely on fish and coconuts. Apart from a couple of missionaries, they'd met hardly anyone from anywhere else. They were intuitively kind and gentle and Ellis was charmed by their welcome.

Ellis's tests showed enormous resources of phosphate so he wasted no time. On the first day he and his assistant, Naylor, drew up an agreement signed by a Chief - he wrongly took him to be King but Banabans didn't have Kings - who granted him exclusive mining rights for 999 years at £50. a year. Mr. Ellis quickly raised the British Flag with, as he put it, its never failing message of good cheer for the natives. Good cheer for him, too. Ocean Island turned out to be virtually solid phosphate.

Almost at once the phosphate was being loaded from a makeshift jetty to be shipped to Australia. The simple Banabans joined the game with enthusiasm, loading their own phosphate into Mr. Ellis's ships. Those centuries of seabirds had not laboured in vain... Everywhere else phosphate had become scarce. Ellis's company had blundered onto a fortune. The only worry was that somebody else might move in on this bonanza. So their influential Chairman, Lord Stanmore, persuaded the Government to annex Ocean Island to the Empire. What was easier

Pres. No. 1441  
Pres. Jenny Barr  
Pres. Louise Richardson  
James Cameron

in those halcyon colonial days? So on September 28th 1901 a 21 gun salute was fired and "God Save The Queen" played to an audience of wholly baffled Banabans.

By and by dozens of illiterate islanders were putting their marks to complicated legal documents they had no earthly means of understanding. By 1908 the company's profits were half a million a year. The Banabans continued to be paid an average of £16. an acre. So deep and expensive were the mining shafts it was clear that the land would soon be useless for any human purpose.

Bertram Jones is a journalist on Fiji. He chanced on this Banaban story and dug into the records.

BERTRAM JONES:

They hadn't realised, when they signed that early agreement with the company, that the removal of all rock and alluvial phosphate meant removing the entire island, except the rock pinnacles. Some of the Colonial Officers on Ocean Island did I think perceive the damage that was being done and tried, in ways that were open to them, and they were subject to strict discipline, to do something about it.

J.C:

One of them was a resident Commissioner, Quayle Dixon, an impulsive and brave man who felt that the Banaban people were getting a dirty deal and said so.

B.J:

Quayle Dixon came up against rather formidable opposition in his efforts to do what he could for the islanders. The opposition naturally came from the mining people who didn't want their rights tampered with in any way, or their rights as they conceded them to be. Quayle Dixon, on the other hand, seemed to be very much concerned about what was happening to the natives and he resisted what he thought were the undue encroachments and the gentle bending of some of the regulations that the company was indulging in.

J.C:

Within 10 years of Ellis's arrival the Banabans had come to hate the phosphate company. They saw the access paths to their lands carelessly mined away, roots of the coconut trees ruined. Quayle Dixon took these pictures and sent them on to Albert Ellis. Ellis was not amused. Very soon company pressure saw to it that Quayle Dixon was transferred as far away as possible to the Falkland Islands.

The company now wanted another 250 acres. But the Banabans no longer trusted the paternal, mavericious Europeans who had to offer the Elders Royalty money and a trust fund to persuade them to sign.

B.J:

It was also the understanding of their fathers and grandfathers that when once they had conceded those 250 acres, which they were not too pleased about giving, not too happy about it at all, when once they'd allowed that land to go they would never be asked for more. But, of course, they didn't understand the true nature of that original concession, which they later said "our minds were

dark inside when we signed it. We didn't know." And it meant that they hadn't a leg to stand on.

J.C:

For the Banaban people life was a matter of survival and they knew that survival on a dry Pacific island depended entirely on the coconut tree. The tree of life, in fact. The phosphate people so badly needed the land that in the 1913 agreement they put in the clause that finally persuaded the reluctant islanders to sell.

"That they shall return all worked out lands to the original owners, and that they shall replant such lands wherever possible with coconuts and other food bearing trees, both in the lands already worked out and in those to be worked out."

J.C:

Now this is a major issue in the great court case. Did the Pacific Phosphate Company ever really intend to replant the coconut trees and what is whenever possible? This couple of desultory attempts give a pretty cynical reply with nuts simply dropped on bare rock. The Banabans insist that with a minimum of soil and watering trees could have grown and they reckon to know.

In 1920 the Governments of Britain, Australia and New Zealand bought out the phosphate company for £3½ million. Now there could be no possible pretence of a disinterested third party in the deal. And soon yet more land was needed.

In 1928 the resident Commissioner was young Arthur Grimble, who later became known for his charming bestseller, "A Pattern of Islands." The Banabans were flatly refusing to sell any more land, it was Grimble's job to make them.

"To those of you who sold land in 1913 and are willing to sell land again now they will make up the difference between the Royalty paid then and the 10½ penny a ton...(fades out)"

J.C:

But by this time the islanders weren't to be wooed by the bribes and blackmail of the British Phosphate Commissioners - the BPC as they were called. By now they had a spokesman, a young man just back from theological college in the Gilberts.

"(fades in)...will remain unchanged. You will receive no more."

J.C:

This young man was Rotan Tito\*, without doubt the most meaningful personality in his people's brief history. Rotan Tito said outright they wouldn't sell for anything less than £5. a car load. In other words, no deal.

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\* phonetic spelling.

"The BPC provides phosphates to the farmers of Great Britain, of Australia and of New Zealand. To the farmers of the British Empire. And you, your island, is one of the only two places in the whole British Empire producing this phosphate. You should be very proud to be ... (fades out)"

J.C:

Rotan said very well, if the Empire needed the phosphate that much they could pay £5. a car load for it.

"And I say to you, Rotan, you are thinking selfishly, that you are not thinking of your children, of their future. You are stirring up trouble and it will do you and your people no good. If you sell no more land to the BPC you are signing your own death warrant, your people will die. You will be committing suicide."

"Saturday 13th August. Most unfortunately someone voiced dislike of BPC and in spite of every reason I could adduce to show how entirely dependent they all were on BPC the popular antipathy into the concern carried the assembly. To overcome their native shame an extremely strong motive must be instilled into them. The only motive strong enough is fear of poverty. The terms offered are not rich enough to inspire love of gain."

J.C:

But it wasn't Rotan Tito who was to give Arthur Grimble the most trouble. It was the women.

"Friday 29th July. Women of Buakoniki\*, about 20, dreadful objections."

"It is the mining of the land which brings you the money with which you buy your food. It brings you the doctors who heal you when you are ill. The land lying idle will grow only coconuts. You are no longer used to living only on coconuts. Your food now includes biscuits; it includes rice."

"Do you realise how foolish, how utterly foolish your attitude is?"

"Talking to them one had the hopeless certainty that they were not listening. Simply sitting and repeating to themselves we want to keep our land, we want to keep our land and so on, ad infinitum. I explained before they left that I was not bargaining with them on behalf of the BPC but was giving them conscientious advice as a friend, after long deliberation as to the solid welfare and profit of the Banabans. They did not contradict this, of course, but quite plainly disbelieved in me and the administration and all its works, and the BPC and every other human institution. The interview has left me depressed."

J.C:

Grimble was fond of the Pacific islanders in his fashion but he was also ambitious and he could bring himself to write this extraordinary letter.

"To the people of Buakoniki greetings. You understand that the resident Commissioner cannot again discuss with you at present as you have shamed his important Chief, the Chief of the Empire. I am not writing to you in my capacity as resident Commissioner but I will put my views as from your long-standing friend, Mr.Grimble, who is truly your father. If everyone signs the agreement the Banabans will not be punished for shaming the important Chief and their seriousness conduct will be forgiven. If the agreement is not signed consideration will be given to punishing the Banabans and the destruction of Buakoniki village must also be considered to make room for mining."

J.C:

Still the islanders refused. Then Whitehall made a law which entitled the British to take land by compulsion. Rotan Tito sent Grimble a bag of gold to pay for a lawyer to help them. Grimble turned him down and signed the compulsory purchase order. In desperation Rotan wrote to the Secretary of State in London.

"Sir, we real Banaban community have the honour to apply respectfully for a personal help from you because we are in great heaviness of sorrow on account of our land of 150 acres of phosphate to be dug out. It contains a great number of well grown coconut trees and is the only piece of land which we Banabans live mostly on. So therefore please kindly help us by your merciful arbitration and judgment in front of our Heavenly God and in front of His Majesty, King George V. We are Your Lordship's Most pitiable people, the Banaban community. Writer, Rotan Tito, for the native owners."

J.C:

The letter was ignored. When the mining started again the women clung to their trees, if their trees were cut down let them be cut down, too. This was, after all, the most fertile part of the island. Arthur Grimble may have seemed equivocal or even heartless - may be he was - but like so many Colonial Officers who passed through Ocean Island, he was probably basically well-intentioned; may be he thought that the greater good of the Empire, which was to say the Australian farmers and their fertiliser, meant more than the needs of unimportant island people. Anyway, the women were defeated and their trees destroyed.

Then the totally inexplicable happened. Somebody else's war exploded over the Pacific islands. Death fell out of the blue skies for no reason any Banaban could understand. On Ocean Island the phosphate people got out just in time, not so the Banabans. Under the Japanese occupation 160 of them were shot. Five died from flogging. In 1943 the Japanese shipped the rest of them out to labour camps, some to Naru\*, some to the dreadful camp at Kusai\* where they



lived and slept and starved on mud, the rest of them to Tarawa. By the end of the war 463 Banabans were dead, a third of the whole population.

Back came Albert Ellis to reorganise the ruins. He wanted 600 labourers recruited at once but no Banabans. The reason for this was soon clear. The British residency was a wreck but the officials were busy making use of the chance that they had long been waiting for, to get rid of the Banabans from Ocean Island for good. All the memos said the same thing:

"It is considered most desirable that this unique opportunity should be taken for taking them to Rambey\* instead of returning them to Ocean Island. While present shipping difficulties are realised, it is strongly urged that they should not be permitted to frustrate the carrying out of a project which the Commissioners have been striving to achieve for decades and which if not done now will never be done."

J.C:

So the remaining Banabans, 1003 of them, were rounded up on Tarawa and shipped to the island of Rambey in Fiji 1600 miles away. They were ill, demoralised and in no shape to argue.

"You should inform them on behalf of the Government that their temporary removal to Rambey Island is necessitated by the fact that it is quite impossible for them to return to Ocean Island at the present time."

J.C:

|| This was not true. The workers houses were still there.

"Time considered very opportune. Kennedy considers ~~can obtain~~ their willing consent, especially with help Rotan. Imperative no Banabans go to Ocean Island meanwhile." (A little unclear)

J.C:

On December 15th 1945 the Banabans first saw Rambey in the rain. It was a daunting change from home. It was nine times bigger than Ocean Island, five times wetter, overgrown with jungle; it had been bought for £25,000 of their own trust fund, their own money. Only now did the British Government realise that they were dumping the Banabans on Rambey in the middle of the hurricane season.

"Consideration has been given for the disadvantages of canvas housing during the hurricane season. It can be expected that a considerable number of tents would be lost during a strong gale. For this reason the number of tents has been fixed at about 30% more than would actually be erected in the first instance. "

J.C:

At this point the Banabans as a people came very near to extinction. They

slept on stretchers in tents awash with the relentless rain; they were already weakened by three years under the Japanese. The entire community was in real danger of being wiped out. In the first few months 40 of their older people died. Two things probably saved them. One was their compulsive and cohesive belief that God was on their side. The other was the presence of Rotan Tito, the man who stood up for them first against Grimble and then against the Japanese. He thought that the move to Rembey would be only temporary.

The BPC now wanted virtually all that was left of Ocean Island. They offered Royalties for the phosphate at 1/3d. a ton. Later the lawyers were to ask why the British Government, as trustees for the Royalty money, approved an offer so far below the going world rate. The Banabans knew nothing about world prices and they were given no independent advice, but they realised that with this last area of Ocean Island gone so would be their last hope of returning.

"Before I go into details of the Royalty payments, I assume that you are happy with this offer, ..."

"We know that you are going to take all our land and we need our price to be £250. an acre...."

"Ridiculous. How can you possibly justify asking a price like that?"

"Because you are going to take all our land and most of us may be intending to go back to Ocean Island. We are here, just for temporary for two years, and after that we have to make our minds... We may go back there and no land for us."

J.C:

at

It was strange that/these last critical negotiations the Banaban adviser, the Englishman paid to help them out of their own funds, did not arrive. Perhaps it was not so strange. The adviser had had a letter from the British High Commission.

"You should, of course, take no part whatever in Mr. Maynard's land negotiations with the Banabans, making it clear to them, if necessary....."

"(incoherent)... and this is a man who is supposed to be here to help us, but I don't know why he didn't turn up."

"Perhaps he is ill."

"No, he was working in the office all day today. And he didn't come to our meeting today and he's supposed to be here. We pay for him as an adviser, and he didn't turn up to help the Banabans at all."

J.C:

Next year the BPC came back with a slightly better offer and the Banabans, again with no legal or technical advice, signed away what was left of their land. Nothing now stood in the way of the mining operation; the labourers were mainly Gilbertese.

By 1950 the BPC was exporting 276 million tons of phosphate to be turned into fertiliser. In fairness it has to be said that this greatly advantaged the farmers of Australia and New Zealand who saved about half a million pounds a year by getting this subsidised fertiliser.

Slowly and clumsily the Banabans tried to build a new life on Rambey Island but it wasn't home and never could be. Among people like the Banabans there's an overwhelming ancestral feeling about land, their own land, their fathers land but no longer their children's land. Their children had never seen Ocean Island but the bond was born and built into them indestructibly. Over 20 years they acquired a bus, a hospital, a school and a petrol pump and a race of skilled and crafty fishermen had diminished into a race of tin openers living on Australian canned pilchards. Uprooted and purposeless, the Banabans drift into unemployment and often into drink. Rambey Island has development potential but the Banabans know nothing about business; they see little future for their children. Nevertheless, they run their island as a true co-operative. Islanders have no entrenched ideas about possessions. The councillors agree on sharing the pooled Royalties which until the '60s were less than £20,000 a year. The undisputed Banaban leader is still Rotan Tito, Chairman of the Council. His son, Tobuki Rotan\* is heir apparent and manager. His grandson, Thomas Tai\* is Secretary.

TOBUKI ROTAN:

We've got our problems here on Rambey, it revolves around the young people. On Ocean Island I heard these things weren't there, these problems were non-existent but now that we are in Fiji community is loose, Rambey is a lot bigger than Ocean Island. Our villages are not organised as they used to be in Ocean Island because of this children are left loosely, so to speak, and, you know, have nothing to do - they involve themselves in all sorts of mischiefs and this is building up on Rambey right now. They'll get drunk ...they'll destroy things, burn houses, these are the major problems that we are facing with the young people.

J.C:

Some say, naturally, that if the Banabans got rich it would go to their heads, Rotan Tito makes that story look silly. He's the biggest landowner but he shares all his money, like everybody else, that's the islanders tradition. Thus, no one has a car or a posh house. To show off what you own is just not done. Rotan spends much of his time reading his Bible. He lives among his big, extended family who, like all Banabans, sleep on mats and keep their possessions in suitcases.

The diet is poor and dull and repetitive. No one could say that the Ocean Island phosphate brought much luxury to the Banabans.

It wasn't until 1960 that Rotan Tito chanced to read in a magazine that all along the British Government had been supporting the Gilbert and Ellice Islands, who had no phosphate, out of their money - the phosphate money, paying the Gilbertese eleven times what they paid the Banabans.

Finally, in 1966 Rotan's son, Tobuki, decided to look for help in the outside world.

T.R:

It is nonsense that we don't need the money. We need a lot of money to build up this island. When we came here we haven't got any good homes, no good roads, no proper buildings for our schools and hospitals. In fact, it is our money. It is not the money of somebody else. It is wrong for the British Government to tell us what to do with our money. I don't think any Englishman would accept this or anyone in the world. I believe that they are using their power for the fact that we are small and tell us, dictating to us how to use our own money, and they should be ashamed of themselves.

J.C:

Tobuki set out from Rambey with literally no idea of where to go or whom to see, no plans, only this sense of deep injustice. First he went to see fellow Methodists in Fiji and some local lawyers. He went to Australia and New Zealand to try and talk to their Governments, but he soon realised that this was not where the real power lay so he decided to go to London. His father had always said in Britain you always get justice.

T.R:

I did not know how to make arrangements for accommodation. I just got on the 'plane and came. I thought that it was easy like in....just to step in and ask a room. So when I got in the airport I got in a taxi and I asked him to take me to London. And when he asked me what part of London I did not know. So we spent the time moving around somewhere and he had enough...so he said well, I'd better get you off, I can't do all these, you don't know where - it cost me £12. And so I got out with all my two suitcases and I did not know where to go, and I walk around, around, looking there, I went inside. It was the wrong place. Fortunately I met an Indian at three am. in the morning and he thought I look like an Indian. So I said no, I'm a Banaban from Fiji but I got lost.

J.C:

At last he found a bed in a Methodist hostel. He then bought himself a raincoat and then he made the first of many, many trips to the Foreign and Commonwealth Office. In the last ten years Tobuki has called on that office 50 times, uphill work indeed. He reminded the bureaucrats that the Banabans had been loyal, he reminded them of the time when 500 of them had raised an

astonishing £12,000 for Britain's war effort. He asked for a realistic sum to set them on their feet in Rambey. It was reckoned that Britain owed them many millions in Royalties. In 1967 he got an offer from Judith Hart of £80,000 for which the Banabans would have to withdraw all claims from the start of the century.

T.R:

I have faith in these high officials and I believe that they must have courage to do what they believe is right, because what all we ask is not to grab someone's money or someone's homeland, you know. It's our own homeland. It's our own money. We are not trying to grab the money of the people of England or the ....it's all ours by right and we've been explaining this to them year by year, yes; papers after papers, but it is sad - I mean, being a Minister myself and also ...among the white people, it is sad for me to see people in high places not having that courage, you know, to do what is right.

J.C:

Tobuki told his tale to seven Ministers of State. They were all very charming; they told him how pleased they were to have heard his story and they did nothing at all.

T.R:

It's very, very difficult to understand how your top men works, how to convince them, you know, how to help them to see the trust(?) it's very, very hard. I've been reading all these papers, watching television, you know, political programmes and so forth, still I don't know how to convince your people.

J.C:

By 1969 Tobuki had found a flat in Victoria. He had the patience of Job but he sadly decided they'd just have to take these people to court. That meant a lawyer. And how to find one? How he did find one is a kind of fantasy. One day he saw a tramp in Victoria Station. He tried to give him some money, a Banaban custom, but he'd no time. Later that evening a young Irish porter from his block of flats asked him out for a drink. They finished up in a Fleet Street pub and there, lo and behold, was that same miserable tramp from Victoria Station sitting nearby.

T.R:

I was so surprised to see the man again, the same man I saw in Victoria Street sitting on his own, all rags, ... So I offer him coffee and sandwiches and cigarettes and I try to find out whether he was really the man I saw in Victoria at two pm. It was now almost three am. in the morning. And he said he was. And then he told me that his plan was to commit suicide at three o'clock by jumping into the river because he had given up life, was so poor. So I persuaded him not to commit suicide but to start - I would try to help him to start a new life. He didn't believe it in the first place, and I said no, let us go

back to my flat and we worked out how much it would cost me to give him everything, you know, give him everything.

J.C:

The fairy tale goes on. The redeemed tramps turn to ask Tobuki how can he possibly repay him. Tobuki says just tell me who is the best lawyer in England. And the answer comes, why, Richard Brown of Wimbledon. Now Mr. Richard Brown of Wimbledon had at the time a staff of one plus his wife, but to Tobuki from Ocean Island Mr. Brown of Wimbledon was part of a divine plan and not to be questioned.

- FILM of Tobuki visiting solicitors -

J.C:

And so it came to pass that probably the most complex and heavily documented case in British legal history landed in the lap of the understandably nervous Mr. Brown of Wimbledon. But Mr. Brown did the Banabans proud in his choice of counsel, the eminent QC, Elwyn Jones, agreed to take the brief although he had to give it up when he became Lord Chancellor, with as junior John MacDonald, highly thought of at the Chancery Bar. By and by learned counsel, including Mr. Brown of Wimbledon, found themselves on Rambey among dancing girls and a band playing "Oh God Our Help in Ages Past." Elwyn Jones made a stirring speech about David and Goliath which went down very well. John MacDonald came back later to sieve through the jungle of evidence to find a case that might stand up in court, encouraged by the island band playing Victorian hymns.

- FILM of band -

"Did she agree or ever sign anything saying that the land could be mined?"  
"Just a recap, Sephero\* who owned these bits of land in 1913, refused to let them be included in the Eastern mining area and so everything else was mined and these islands were left. Then in 1947, without asking her, they just mined it and it disappeared. And have you ever been paid anything for it?"

"No, nothing at all."

"And was your mother ever paid anything for it?"

"I try to remember - nothing ..."

"Then I think we shall probably want you to come to London to give evidence in the case. Would you be prepared to do that? It won't be too bad because Tobuki I expect will go and Rotan will be going, and perhaps one or two others."

T.R:

I don't know how to explain it, but I have explained it to Lord Elwyn when

he was there in the first place. I think you would be surprised how I happen to know you and to engage you with this big undertaking. It was all through the poor man, you know, with the help of the porter, an Irish young boy.

(Laughter)

J.C:

Early last year a boatload of Banabans set off again for Ocean Island. For years they've been asking for independence. Now they felt they'd be in a stronger position with some of them actually on the island. But the British countered this by declaring Ocean Island a closed district and that no Banaban who hadn't been actually born there could enter without a licence. A few with special permits to set foot on their native land arrived at a place they could hardly recognise, as a few more tons of it vanished into a phosphate cargo ship.

It's now established that half the workers children on Ocean Island have chest diseases because of this fine, white phosphate dust which blows continually over their homes. All the water now has to be imported - this was always a problem on the island. Today everyone tells the Banabans they're crazy to think they could live here when the British Commissioners clear out.

SPOKESMAN:

We lived here before the BPC - we had no problems and, you know, if it goes up we will just revert to our old system and as far as water is concerned, which is the main problem here, our people thrived on Ocean Island before the BPC started bringing water from overseas. And if there is really a scarcity of water on the island we've got Rambey - Fiji, you know, .... this is our advantage. I think all these ideas of difficulties - these are all English. You put a native on Ocean Island, he'll survive.

J.C:

The Banabans whose home it is look like squatters and feel like refugees. The phosphate people make it clear that they're an unwelcome embarrassment. Rotan Tito went to the camp to try and lift the morale and reduce the resentment - **not easy.** Never have its people felt more like second class citizens than here where they belong.

On his second day on Ocean Island Rotan Tito went to look at what had been the Buakoniki Village where he'd been born, where his mother's family had lived for generations. It was also unfortunately the richest in phosphate. They are now mining it for the second time.

The experts reckon there are about three years of phosphate mining left, may be £60 million worth. Then says the BPC Manager we'll leave the island to the birds. Not all the British Phosphate people are wholly insensitive to what they've done.

WORKER:

I think most people imagine Ocean Island to be just a pile of rock with very little vegetation. But in the '40s and '50s this area here was very well covered with palm trees, mangoes, ... most of the tropical fruits. There was a mass of vegetation right through particularly this area where the machines are working now. Sad, of course, always to see the destruction of trees... But then there's many, many other places where trees are destroyed, sometimes unnecessarily, land development and so on, in this case, of course, there's great benefit to Australia and New Zealand.

J.C:

The Banabans understand but not altogether. Could it not have been done without totally destroying their island? Did the phosphate people have to humiliate them so, embitter them so? The wound has gone very deep.

ISLANDER:

I think the BPC are the greatest exploiters of our Banaban people and I, you know, I hold no reservations on that one. We've been ill-treated by them in 1900, may be we could understand that because we were uneducated then. I'm not saying that, you know, we're fully educated now but even at this age and time they are still treating us as if we are fools. I just can't understand, you know, people can do such a thing to one another - human being. It's just sheer exploitation.

J.C:

By 1975 a terrific rise in world phosphate prices gave the Banabans enough Royalties to allow Rotan Tito to come to London to bring two legal cases. One against the British Phosphate Commissioners and one against the British Government. For this dedicated old man, now 76, it was a strain, he was often ill. When Rotan wasn't in court he spent his time in the Victoria flat watching television films he couldn't understand and would probably have hated if he could. His son Tobuki learned to cook, sort of, and became expert in Chinese takeaways.

Every day the Banaban witnesses went to the Law Courts in their identical new raincoats. Their first case claimed £6 million compensation for the 250 acres of their island which should have been replanted with coconuts - whenever possible. Rotan Tito soon discovered that British justice was not as clear cut and simple as he'd thought. He was troubled and hurt. Under cross-examination it seemed as though he were on trial.

"Do not try to make us fools. I would only beg of my Lord that I am the plaintiff. I have been knocking and begging that I may come before the Government of Britain to show what I have deeply felt so that our complaints be heard in the High Court to arrive at the truth. It was expected when



I arrived in the court that I would be asking the questions of the court because I was the one who has been wronged."

J.C:

It seemed to Rotan that nobody would ever understand what had happened to Ocean Island until they'd seen it.

"My Lord, it is the plaintiff's view that it would be of great assistance to your Lordship to view Ocean Island personally. While we are aware that the journey of over 11,000 miles will be a long and tiring one, we also feel that it will be of great value to your Lordship to see the evidence with your own eyes."

J.C:

The defence objected strongly but the Judge agreed to go, doubtless setting all manner of awkward precedents for future judges.

"One matter I think should be left wholly out of account and that is inconvenience to the Judge. A view of Ocean Island would of course be far removed from being a pleasant holiday trip to the South Seas. The journey would be long and exhausting and a proper inspection of the rugged terrain of the island would in all probability involve a considerable degree of strenuous agility in high temperature. Nevertheless, it seems to me, though by no great margin, to fall within the bounds of what a litigant is reasonably entitled to expect from a Judge."

J.C:

His Lordship almost certainly didn't expect that the sea would be so rough that he would arrive on Ocean Island in a crate with his green Bermudas very wet. The whole trip, including a visit to Rambey, cost £40,000. There were nine people in the Judge's party, all speculating on what his Lordship was speculating. The party included Dick Turpin, Lands Officer to the Gilbert and Ellice Islands, Roy Price, Solicitor to Her Majesty's Government or the Crown, George Clark, Solicitor to the British Phosphate Commissioners, John Binlock, QC, Counsel to the Crown, and Donald Rattie, Counsel to the Phosphate people. The Counsel for the Banabans was John MacDonald, and their Solicitor Keith Hollis from Mr. Richard Brown of Wimbledon. Arthur Bradford, the Judge's Clerk, came along to look after his Lordship. The gentlemen were not ill paid, the barristers getting an average of £150. a day plus expenses. Is it a lump of phosphate or is it perhaps not a lump of phosphate?

- FILM of them inspecting the island -

J.C:

Perhaps his Lordship was not all that much the wiser. But then it was

necessary to consider the complex problem of how far a coconut root has to go to find water - a question rarely arising in the Law Courts. The Banabans claimed £6 million for the failure to replant the land. How did the Judge rate the chances of the coconut tree? And now to the golf course where Banaban lawyers show the Judge how the island once looked. The one and only Banaban knows his place, six steps to the rear. A few Europeans are stealing themselves to excavate the golf course which with the ruined residency is all that's left. The outing had a certain strain with the lawyers quietly competing to drop in a discreet word at the right time. Judge MacGarry listened and remained judicially inscrutable. It was terribly hot but the Judge kept up the pace and it was a weary lot of lawyers who got back to London to finish off a case that beat all records by lasting 105 days.

The second case, however, most troubled the Government because this questioned the whole integrity of the colonial record.

"Rotan Tito and the Council of Leaders against Her Majesty's Attorney General. My Lord, this is a case of breach of trust by the British Government against the people of Ocean Island."

J.C:

It all began with our colonisation of the Gilbert and Ellice Islands, which needed a lot of money for roads and schools and hospitals and, of course, administration. They didn't have any phosphate resources but Ocean Island did. So obviously embody Ocean Island into the Protectorate. But the Banabans have no relationship, no cultural or emotional bonds with the Gilbert and Ellice people. Why, they asked, should the British without even telling them spend 85% of their money, the phosphate money, on people who didn't own an inch of Ocean Island? Their argument was if Britain was going to colonise people she should at least pay for them herself. This phosphate business had therefore caused a quite unnecessary hostility between these little Pacific societies. The Gilbertese Chief Minister, (incomprehensible name) says his people need the money as much as the Banabans.

CHIEF MINISTER:

I think the Banabans do not have the right sense of possession or they misunderstand it. Because, you know, if we struck oil, say, inside this lagoon and who is going to benefit out of it all, who is going to dictate how it is being divided between the people of the Gilbert and Ellice Islands? Are they the people of Tarawa, I don't think so.

J.C:

But it wasn't the people of Tarawa who were dispossessed and exiled. The second Banaban case claimed that the British Government as their trustee had a duty in 1931 and 1947 to pay them the proper commercial rates, which would have

made them better off by £21 million. They were now convinced that they had been and are being deliberately misled and the Colonial Office minutes prove it.

"It seems to me that a point for consideration is whether we should warn the Fiji Government that we are quite definitely going to the talks in January ready, in effect, to ditch the Banabans if this proves necessary."

J.C:

?)  
All sorts of documents like this turned up in the court case while Ocean Island continued to disappear. Now Tobuki finally realised that Grimble and the phosphate negotiators were in fact getting their orders from the British Government.

T.R:

I never believed that in my whole life. All along I believed my father when he often said no, we'd better go to England to see the top people, Secretary of State. He's a good man, you know, kind man, you know. He won't do all these things, only these small people down below have been treating us in this manner. Well, for the first time I learned it was the instructions from the very top man, you see, and you know, you saw me - how I felt, now I look better and say what a wasting time, I'm wasting all money to come all the way from Fiji trusting that the top man is a good man.

J.C:

On the 18th June the two cases finally ended. After 221 days, 7 million spoken words and costs of £ $\frac{3}{4}$  million. So the lawyers left court 16 for the last time. John MacDonald, the Banaban Counsel, had had a long haul. As the Judge said, his professional and private life had been engulfed by the affairs of Ocean Island. Judge MacGarry went away to spend four months writing his immense and massive judgment. He knew well the vast precedent it would establish and this is what he decided: In the first case he found that the phosphate people had failed to keep their promise to replant the Banabans land. The Banabans should get damages but just how much he could not bring himself to say. This they must go away to settle with the British Phosphate Commissioners. For the failure to restore the ravaged land he said :

*Handwritten notes:*  
The damages shall not be token, not minimal but not large.

J.C:

He discounted the argument that nowadays mined land must legally be restored. "However potent such arguments may be in political or social fields, they cannot affect the law of contract."

J.C:

The second case on the breach of trust issue was finely balanced and could

clearly have gone either way. Judge MacGarry eventually decided that the British Government were not, in fact, trustees of the Banabans. The British were therefore not technically liable for the injustices committed in their name and in the cause of immense millions of pounds of profit from phosphate. Nevertheless, he added, in words rarely used by Judges against Government, and which this Government cannot possibly ignore, the Government owed a moral duty to the Banabans and had let them down many times. He specified two glaring examples which occurred during the two negotiations when the Banabans had to make their most critical decisions. First by letting Arthur Grimble personally fix the meagre Royalty, having compromised himself with a disgracefully threatening letter about destroying the village and unspecified punishments if they didn't agree to sell their land. Grimble may have been ill and rundown at the time, he said:

"Even so, with every allowance it is impossible to read that letter without a sense of outrage."

J.C:

And the Judge went on to say:

"The other failure of Government was the gravest in its consequences to the Banabans, and that was the absence of any advice when they were embarking on the 1947 negotiations. The improvidence of the disposition must have been foreseeable by persons of business experience."

J.C:

The Judge concluded with a most unusual recommendation:

"I am powerless to give the plaintiff any relief but in litigation against the Crown I think a Judge must direct attention to a wrong that he cannot right and leave it to the Crown to do what it considers proper. The Crown is traditionally the fountain of justice and justice is not confined to what is enforceable in the courts."

J.C:

But where else but the courts was it left for the Banabans to go for justice? How will they explain to their children the meaning of words like these:

"The question is not whether the Banabans should succeed as a matter of fairness or ethics or morality. I had no jurisdiction to make an award just because I conclude they have had a raw deal."

J.C:

So it is back to square one or square nothing for the people of Ocean Isla. It took the courts 105 days to come to no conclusion about the amount of the

replanting damages. 116 days to decide that in the breach of trust issue they didn't have a case at all. There would be no £20 million compensation, just more and more incomprehensible legal words.

Perhaps out of those words may come an urge of conscience, that a British Government may even yet give the islanders the justice they've denied them for nearly 80 years.

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The London Times January 12, 1977.

The Banabans and the Gilbertese.

From the General Secretary, Council for World Mission,  
(Congregational and Reformed).

1 Sir, We should all be grateful to Sir Bernard Braine for his article on Ocean Island (The Times, January 10) and to James Cameron for a television film on the same subject. It is not often that the small population of a distant speck on the map gain such a sympathetic hearing in Britain.

That there has been a case of exploitation under the British Colonial system there can be no doubt. The benefit accruing to Britain was the cheap food we were able to import from Australia and New Zealand, subsidized by Ocean Island's cheap fertilizer. Britain must attempt to put things right.

2 Unfortunately the present publicity focuses solely on the Banabans and not on the Gilbert Islands as a whole. The Banabans and the Gilbertese were one people, one in language and tradition, one by intermarriage, so it was not just a commercial 3 trick to include Ocean Island within the boundaries of the Gilbert Islands colony. The phosphate was regarded quite 4 properly as a resource for all the Gilbertese with separate royalties going to those who directly owned the Ocean Island land itself.

5 To speak now of separation for Ocean Island is a blow to the Gilbertese. Britain cannot escape from her Pacific entanglements by taking a narrow view of her responsibilities.

It will be up to Pacific people themselves to find a reconciliation of interests, but perhaps Britain may allay fears by adopting a policy such as the following:-

6 1. With the Governments of Australia and New Zealand, Britain should ensure that the British Phosphate Commissioners make generous provision in lieu of making good the surface soil of Ocean Island.

7 2. With this resource behind them the Banabans should be given freedom to resettle on Ocean Island if they wish to do so.

8 3. The Gilbert Islands Government should be informed that Britain does not recognize independence for Ocean Island at the present time.

9 4. Britain should expedite the independence of the Gilbert Islands, and seek an agreed timetable, perhaps two or three years after independence, for a referendum among Banabans who live in Rabi or Ocean Island on the question of independence for Ocean Island; the majority wish to be respected by all Pacific peoples.

Putting right an historic wrong is always very difficult; we are liable to create new injustices. Therefore the British Parliament should not be hustled into adopting a short term and narrow view of our obligations. Yours

Livingstone House, 11 BERNARD THOROGOOD,  
11 Carteret Street,  
London, S.W.1.

JUSTICE FOR THE BANABANS.

A  
B  
C The sad and dignified struggle of the Ocean Islanders, or Banabans, to try to correct injustices which they claim have been perpetrated on them over a period of many years, has brought them a wide measure of public and some parliamentary sympathy. Their shabby treatment at the hands of successive British colonial authorities has also been criticized by the High Court judge who spent the best part of three years trying the actions which the islanders brought against the British Government. He was unable, in law, to grant them anything more than a small part of the compensation which they sought, but made it clear that he thought their moral case was a strong one. Their original homeland, Ocean Island, has been laid waste by mining operations for phosphate, and they have lived elsewhere for more than thirty years on Rambi, near Fiji.

D  
E Some of the riches from those operations have been given to them in the form of royalties from sales, but much more has gone to Britain, Australia and New Zealand, although much of the profit accruing to Britain has in fact been ploughed back into the administration of the former Gilbert & Ellice Islands, of which Ocean Island is, constitutionally, a part. The Banabans have a strong case for saying that they have systematically been paid less than their fair share from the benefits of the phosphate on their island, and they look jealously on the citizens of Nauru who, similarly dispersed from their phosphate-rich home, have attained substantial wealth.

F  
G The financial claims of the Banabans are accompanied by a claim for political and constitutional independence from the Gilbert Islands. The British Government, while not shutting the door completely, has been less than enthusiastic. It has to consider too the rights of the Gilbert Islands, which are now self-governing and likely to obtain independence within two years, and those of Tuvalu, formerly the Ellice Islands, which broke away from the Gilberts in 1975. Both of these groups have only limited economic potential and they have in the past relied heavily on funds from phosphate royalties to keep them going. Those royalties will come to an end in about three years when the phosphate on Ocean Island runs out.

H  
I Moreover the British Government can point justifiably to the fact that while the Banabans have, in absolute terms, received a small proportion of total phosphate royalties, if looked at per capita, the islanders have not done all that badly, and have, on their own admission squandered or invested injudiciously much of their income. The British Government must also have in mind the possibility of Ocean Island regaining economic potential through, for instance, fisheries under the forthcoming international 200 mile limit.

J The Banabans cannot have it all ways. If they accept a settlement from the British Government, choose to go on living in Rambi (which is the only home which most of them have known) and achieve independence, or whatever association with Fiji is considered appropriate, they cannot at the same time retain their sovereign rights over Ocean Island. That does not mean that they ought not to be allowed to keep their rights as landowners, and to continue to have the right to enter and stay on the island. It would be unjust, however, in effect, for the flag of Fiji to fly from the scarred face of Ocean Island. Within those limits, there would be no reason for the British Government to oppose the Banaban wish for separation from the Gilberts. It should in any case make a generous payment to the islanders - in whatever form would be most advantageous to them - as compensation for the substantial moral, if not legal, wrongs it has done them in the past.

OCEAN ISLAND: BRITAIN MUST DO HER MORAL DUTY.

"It seems to me that I am powerless to give the plaintiffs any relief in these matters...But in litigation against the Crown in which the Attorney General is a party I think a Judge ought to direct attention to what he considers to be a wrong that he cannot right and leave it to the Crown to do what is considered to be proper. Accordingly I draw the attention of the Attorney General to the matters of criticism that appear in this judgment, and in particular the two that I have just mentioned".

The Hon. Sir Robert Megarry, Vice-Chancellor, in his judgment on the Banabans' action against the Crown.

In their painfully long and expensive lawsuits brought against the British Government and Phosphate Commissioners, the Banabans, as the Times rightly reported on December 4, won "a clear moral victory in court but little money". In essence the issue always was one of morality not money since the action taken against the British Government came only after years of pleading by this little community for the restoration to them of their ancestral homeland, Ocean Island.

Call for a fresh start was ignored.

In his impeccable judgment, Mr. Justice Megarry went to the heart of the matter. In directing the Attorney General's attention to grave breaches in the obligations of past colonial administrations towards the Banabans which his court was unable to remedy, he returned this issue to the political sphere from which the government should never have allowed it to depart in the first place.

In April, 1975, accompanied by Mr. John Lee (Labour, Hands-worth), I visited the Pacific at the invitation of the Banabans. We found their initially startling claims of ill-treatment at the hands of Britain to be fully justified. We reported to the secretary of state in full on our return, and called for immediate talks between the governments of Australia, New Zealand, Fiji and the United Kingdom with a view to wiping the slate clean and making a fresh start.

We recommended that this should be done irrespective of the cases which were even then before the High Court. The joint recommendations we made were ignored. Now, 20 months later, and after the expenditure of legal fees reported to amount to close on a million pounds, the judge has drawn the Government's attention to the moral and political obligation towards this small people of which the Foreign and Commonwealth Office has been aware all along. These had been set out carefully in our joint report, which found wide acceptance throughout the Pacific, Australia and New Zealand, where the issues were well understood.

Consider the Banabans' grievances. Mr. Justice Megarry described the outrageous attempt to persuade them in 1928 to part with land which they did not wish to lease for excavation. He condemns the manner in which the resident commissioner, who threatened the destruction of their village and the compulsory acquisition of their land at "any old price" actually exercised the duty of prescribing the Banabans' royalties once their land had been compulsorily purchased.

Even greater damage was done to Banaban interests when they were induced in 1947 to part with virtually the remainder of Ocean Island. In disposing of the last two-fifths of their homeland they were allowed by the colonial administration no expert advice. As Mr. Megarry pointed out in possibly his severest stricture on Britain's behaviour, the Banabans had at that time recently suffered grievous hardships under the Japanese during the war, had been uprooted from their homeland without being able to return to see what state it was in, were transplanted to an unknown environment in Fiji with a markedly different climate living in temporary makeshift accommodation and many of them were ill.

In these circumstances, even the adviser appointed to them



10 by the British Government of the day was prohibited from  
11 helping them negotiate the disposal of a quarter of a century's  
phosphate deposits. In short, a small people for whom Britain  
had a moral responsibility were talked into signing an  
agreement without any provision for subsequent revision in the  
light of changing circumstances.

12 This failure to give our wards the advice which any competent  
businessman or professional adviser would have given them at  
the time has resulted in their suffering substantial losses  
over the years.

The judiciary has now invited the executive to right a wrong,  
and it will be the duty of Parliament to ensure that this is  
done. Time, however, is running out, Britain plans to leave the  
Pacific very shortly. Such a settlement must be concluded before  
we part with any of our power to make decisions. Thus, the time  
has come for the Government to heed the Banabans' petition  
for the separation of Ocean Island from the Gilberts Colony,  
now on the verge of independence. Most Banabans are citizens  
and residents of Fiji, and wish therefore to see their homeland  
back under their own sovereign control and in free association  
13 with Fiji. The people and government of Fiji are known to favour  
this solution, and await Britain's decision with some  
impatience.

An error that would sour relations.

14 For Britain to disregard the feelings of the largest  
15 independent state among the Pacific islands, to deny the  
Banabans the right to be their own masters in their ancestral  
homeland of Ocean Island, and to leave this part of the world  
with a problem unresolved, would be an abdication of  
responsibility on our part and a grave political error of  
16 judgment. It would sour our hitherto excellent relations with  
17 Fiji (where we have already witnessed a huge anti-British  
demonstration and trade union action aimed at British  
diplomatic communications), and leave a festering wound in a  
faraway region which Britain should be leaving with her head  
high and reputation untarnished.

Only monetary self-interest can influence the Foreign Office  
and the Treasury to continue to oppose the morally just and  
politically wise separation of the Banaban homeland from the  
Gilbert Islands, thus severing a link forged by Britain in  
1916 purely for her own administrative and financial  
18 convenience. Banaban phosphates, which were sold below world  
prices to Australian and New Zealand farmers and from which  
Britain too has benefitted for three quarters of a century,  
are all but exhausted. We have literally consumed Ocean Island.  
The government must heed Mr. Justice Megarry's unprecedented  
appeal and deal generously with the Banabans. This, indeed, is a  
moral issue.

Sir Bernard Brainin,

(The author is Conservative M.P. for Essex, South-East).

Fiji Times 13/1/77

# MP calls for generous deal for Banabans

LONDON. — A Conservative MP yesterday called on the British Government to deal "quickly and generously" with the Banaban islanders.

The islanders were last month awarded unspecified damages for the devastation of their home, Ocean Island, by British phosphate mining.

In the British High Court, Mr Justice Megarry dismissed their 21 million sterling claim but said they should get damages.

## RUNNING OUT

He left the figure to be worked out between the phosphate commissioners and the islanders.

Yesterday, writing in the Times, the MP, Sir Bernard Braine, said: "The judiciary has now invited the executive to right a wrong and it will be the duty of Parliament to ensure that this is done."

But he added that as Britain planned to leave the Pacific region soon, time was running out.

"Such a settlement must be concluded before we part with any of our power to make decisions," he wrote.

Sir Bernard, who visited Ocean Island at the invitation of the Banabans in 1975, said it was now also time for the Government to heed the Banabans' petition for the separation of Ocean Island from the Gilberts colony, now on the verge of independence.

"Most Banabans are residents and citizens of Fiji and wish, therefore to see

their homeland back under their own sovereign control and in free association with Fiji," he wrote.

He said Fiji favoured this move and if Britain left this problem unresolved it would "leave a festering wound in a faraway region which it should be leaving with its head held high and reputation untarnished."

## SOLD CHEAPLY

"Only monetary self-interest can influence the Foreign Office and Treasury to continue to oppose the morally just and politically wise separation," he wrote.

"Banaban phosphates, which were sold below world prices to Australian and New Zealand farmers, and from which Britain, too, has benefited for three quarters of a century, are all but exhausted.

"We have literally consumed Ocean Island.

"The Government must heed Mr Justice Megarry's unprecedented appeal and deal generously with the Banabans, both financially and politically." — AAP

Energy

# No Nukes is Good Nukes

The great energy crisis of the past two years led most developed nations, and in particular the US, France, Japan and Germany, to accelerate their nuclear power programmes. In Britain, partly because of North Sea Oil, and partly because of Britain's long history of nuclear disasters, the nuclear lobby achieved little progress. But with Tony Benn at the Department of Energy this is likely to change.

Before Benn's recent canonisation as the High Priest of the British Bolshies, he was better known as a singularly unsuccessful Minister of Technology in the Labour Government of the 1960s. Concorde, nuclear energy, the disastrous computer programme and hovertrain were just a few of the wasteful and ill-conceived wheezes that came from his Ministry. Never one to be unfaithful to a mistress as pure as technology, Benn has taken up his new role with relish. Officially, there is only one great issue on nuclear power yet to be decided by the Government, and that is the degree of international cooperation and technology-sharing Britain will choose. This is largely the sphere of Sir John Hill, chairman of the Atomic Energy Authority for the past eight years, and he lobbies for greater collaboration still.

Benn's own intervention is very much more discreet, controversial, utopian, and potentially more wasteful. Benn now wants British nuclear power to go slow on the old technology of nuclear fission — the same basic principle which gave us Hiroshima — and to begin a massive research programme into nuclear fusion. There is only one problem. Nuclear fusion technology has barely begun. It involves the energy released when atoms are brought together, rather than the old coarse form of splitting heavy atoms asunder. Its advantages include lack of radio-active dirt, and the ability to use the common atom of hydrogen, rather than the expensive and complex uranium. But so far, nuclear fusion has occurred only for milliseconds in two American laboratories, where the requisite high temperature was achieved by focussing batteries of lasers upon a single point.

From this stage, the scientists have yet to be able to control the subsequent energy, and to apply it. Indeed, although early US experiments have been promising, no effective energy has yet been wrung from the fusion process. None the less, for Benn this is the fuel of the future and Britain had better use it. Like many of Benn's ideas, this one is superficially plausible and attractive — but its implementation will be altogether different. Britain's nuclear experts have been alarmed by Benn's as yet tentative proposals, partly because they are aware of his unimpressive track record as a Minister, and partly because they suspect that his prime motive in choosing fusion is to get his own back on Eric Varley, who has just replaced him at the Department of Industry.

But Varley only last year finally drew up the blueprint for Britain's nuclear future — and it did not include fusion. The Varley plan involved using the single great corporations — AEA for the research, British Nuclear Fuels for the raw materials and the Nuclear Power Company to build the power stations. Two men run it. First Sir John Hill, chairman of AEA and of BNF, and trustee of the government's shares in the design and construction business. The other is Dr Ned Franklin, chairman and chief executive of NPC. Lurking behind all these groups is the single National Nuclear Corporation, in which Sir Arnold Weinstock's GEC is the major shareholder.

The Varley plan was simple. The disastrous second generation programme for British nuclear power stations had to continue and be made to work. Instead of buying off-the-shelf

American stations, he chose to go ahead with British designs for fast-breeder reactors, which form the third generation of nuclear technology.

Generation One was the Magnox designs of the 1950s, some of them now almost 20 years old, highly effective and trustworthy, and operating at 98% of their potential capacity. But they are small (less than 10% of British electricity) and old.

Generation Two was the AGRs — launched ten years ago, costing £1,000 million so far, and still not producing any power. They have so far put about 6p onto every pound of the British consumer's electricity bill, and ruined the British nuclear industry in the process. All with separate designs, they all had separate and brand-new teething problems. These included:

1. At Dungeness B a boiler was designed and built too big for the concrete shell which was to store it.

2. Cracks in the fuel assembly complex — one of the most dangerous points — at Hinkley Point.

3. Corrosion problems at all the plants, leading to extensive re-design of cooling systems at all the stations.

4. Under-estimation of the effects of vibration on steel and concrete components.

All of these defects should have been designed for. All of them cost money. All of them involved major danger problems in what are, effectively, barely-controlled nuclear bombs.

With this disastrous background, Benn wishes to commit the tattered expertise of the nuclear industry to a brand new technology, in the birth of which they have played little part.

Colonialism

# YES WE HAVE NO BANABANS

Last week, day 63 was reached in a little-publicised legal action between the British Government and a group of South Pacific Islanders who are suing them for £22m. The Islanders, who are called Banabans, are involved in two separate actions. In the first, they seek to get the Crown and the British Phosphate Commissioners either to replant areas of their homeland (Ocean Island) which have been exhausted by mining work, or to pay them compensation. (Ocean Island was one of the richest sources of phosphates in the area although most of the deposits have now been worked out). In the second action, the Islanders are seeking a declaration that the Crown was the trustee for royalties from the mining works and obtained insufficient revenue from them by selling the phosphates at much lower than market prices.

The history of Ocean Island is a simple one. In 1900 Albert Ellis, an employee of the Pacific Islands Co., discovered extensive deposits of phosphate ores on the island and, according to the report of two MPs who recently visited the area, "at the insistence of the Pacific Islands Company's representatives in London, Britain annexed Ocean Island." (Report of a Mission to the South Pacific, John Lee and Sir Bernard Braine 21.4.75.) The Banabans were not consulted and for reasons of administrative convenience the island was later included as part of the Gilbert and Ellice Islands Colony.

In 1900 Ellis had "signed" an agreement with two of the Banabans which stated that for a mere £50 a year the Pacific Islands Co.

would have exclusive rights to remove phosphate from the island for a period of 999 years. The islanders had little idea what they were signing, but in the same year the British government gave the company an exclusive licence to mine the phosphates, despite the fact that neither the island nor the deposits belonged to Britain in the first place.

This was just the start of the islanders' problems. Under the 1900 "agreement" the Company had undertaken "not to remove any alluvial phosphate from where coconut or other trees or plants cultivated by the said natives are growing" but this undertaking was rapidly forgotten and the island was stripped of vegetation as the phosphates were mined as cheaply as possible. As a result the company made vast profits for its shareholders — in 1908 with an ordinary capital of £125,000 made a profit of £300,000, paid a 50% dividend and made a two for one bonus share issue.

In 1920 phosphate extraction was taken over by the British Phosphate Commissioners, a non-profit making organisation formed by the British, Australian and New Zealand governments. The three governments paid the company £3.5 million for its rights at Ocean Island and Nauru with the governments contributing 42%, 42% and 16% respectively. The declared policy of the BPC was to supply phosphate to the partner countries at the lowest possible prices irrespective of any wishes or interests of the Banabans.

In 1930 the most fertile part of the island was acquired by compulsory purchase and in 1942 the islanders were deported to be used as slave labour by the Japanese. In 1947 the Banabans moved to Rabi Island which had been bought for them by the British government using money provided by the Banabans themselves.

Ever since this time, the Banabans have unsuccessfully sought to return to their home. Since 1966 their phosphate has been sold at world prices but until 1973 85% of the proceeds were taken by the British Government in taxation for the Gilbert and Ellice Islands as a whole, leaving only 15% for the Banabans. As the two MPs discovered, an answer to a parliamentary question in the Australian Parliament on 5th December 1974 revealed that "the f.o.b. prices for different grades of (phosphate) rock from Nauru and Ocean Island for use in Australia are negotiated by the BPC under fixed contracts and are treated as confidential by the parties concerned."

In April 1965 the Banabans expelled the British Colonial Service Officer appointed to Rabi and known as the "Banabian Adviser" and two years later they sent representatives to meet Judith Hart at the Commonwealth Office. She asked them to sign a minute accepting a once and for all payment of £80,000 in consideration of the effects of phosphate mining since 1900. Not uncharacteristically the Banabans contemptuously refused the offer. This paltry offer was repeated by Lord Shepherd in 1968. After this, the islanders came to the reluctant conclusion that their only hope lay in the courts and in November 1971 they issued writs in the High Court against the BPC and the Crown.

Over the last few years, the Banabans have added a new demand. Having been so badly treated by the British government for so long, they now wish to be independent of the Gilbert and Ellice Islands and free to join Fiji. To back up their demands, the Banabans gave notice to Miss Joan Lester MP of the Foreign and Colonial Office that they intended to resettle on the island. To this end they have bought a launch. In March, however, Ocean Island was termed a "closed district" under the Closed District Ordinance of 1928. This means that anyone not born on Ocean Island needs a licence to live there. (Many of the

*"Private bye"*  
25/7/75

Banabans have been born outside the island as they were all deported in 1943).

The two civil servants most intimately involved are Sir Duncan Watson and Tony Bullock of the Pacific Dependencies Department. They also called upon the Fijian Ministers when they were in London seeking to get them to pressurise the Banabans. They were rebuffed. When John Lee MP and Bernard Braine MP went to the South Pacific, their luggage was mysteriously "lost" and the Banaban boat which was to take them to Ocean Island developed a strange hole in the hull just before it was due to pick them up. They were first told that they could not visit Ocean Island before going to the rest of Gilbert and Ellice islands because of the need for a licence. When the MPs resisted this demand, the Foreign Office eventually climbed down. The MPs then duly reported in highly critical terms towards the British government. They recommended that "irrespective of the cases now before the High Court, there should be immediate discussion between the Governments concerned with a view to wiping the slate clean and making a fresh start."

Nevertheless, the Foreign Office has refused to take any notice. In June, the two MPs said, "only the fullest possible debate through the media and Parliament can help to steer the Government from a course which may end in the ignominy of another Anguilla situation."

Both the New Zealand and Australian governments are extremely embarrassed by the case of the Banabans. Confidential Australian government background documents point out the necessity for an out of court settlement, because:

"a) there is a possibility that publicity, adverse to Australia may emerge from the court hearings"

b) separate court decisions in the Banabans' favour on each of the two claims could create precedents and encourage attempts to recover damages for similar extractive ventures in other former territories."

The British Government's stance might be summed up as one of black-mailing the Australians and New Zealanders into forming a united front to resist the Banabans. Thus, in a letter of 16th December, 1974, Mr D.P. Aiers of the British High Commission in Canberra wrote to the Deputy Secretary at the Australian Foreign Office: "Our essential point is simply that Australia and New Zealand benefitted over many years from cheap phosphates. . . . Our two partner governments will be well aware that the main, if not the only reason why we did not obtain a higher price during the 1950s and 1960s (for phosphates) was because of constant opposition by Australia and New Zealand. The British Government cannot, however, prove this without disclosing the content of confidential communications between the three governments regarding phosphate pricing. In order to protect the wider interests of the three governments (including the desirability of protecting confidential documents dealing with diplomatic negotiations between Governments) the British Government have claimed crown privilege for such documents and that claim is now being disputed by the Banabans". In consequence, "We think it will be essential to get them (the Banabans) to lower their sights and we feel that a firm negotiating stance by all three Governments will be needed in all contacts with the Banabans."

So the situation remains. The Banabans have announced their firm intention of returning to Ocean Island despite the fact that it is environmentally a complete ruin. The British government retains its "firm stance" believing, in

Aiers' words, that "it is by no means certain that the Banabans are in a mood to consider a reasonable compromise". The future lies in the hands of the Labour governments of Australia, New Zealand and Britain and specifically with Joan Lester and Jim Callaghan of the Foreign Office. The Banabans' confidence in Miss Lester's ability to dominate her officials will not be increased by the recent remark of a senior Foreign Office official with whom she deals regularly, "She has the body of an ox and the brains of a gnat."

Police

## Forty P.C's of Silver

With the life imprisonment of Soho's number one racketeer Bernie Silver on July 8 the count-down has begun towards the expected trial of at least five senior Scotland Yard detectives on corruption charges. These arise from the 'failure' of the Metropolitan Police to prevent the huge prostitution and porn profits made in the late sixties and early seventies by Silver and his Maltese syndicate plus James Humphreys and other porn dealers.

At least six detectives have been suspended out of the 40 who have been investigated by Scotland Yard's A10 branch since the biggest ever internal investigation into the Metropolitan Police began three years ago.

Delays in bringing charges against any serving or former police officer, following the allegations of payoffs totalling £2,000 a week made by Humphreys and other porn dealers to the police in order to keep their book shops open, have aroused suspicions as to the extent of Commissioner Sir Robert Mark's determination to open up this particular can of worms.

So too have the decisions to allow 21 investigated police officers to retire - five suspended detectives subsequently have done just that.

Furthermore there has been added concern felt both inside and outside the Yard, that there is a 'leak' somewhere in or close to A10 which has kept those most concerned well informed as to the state of the investigations and warned off certain likely witnesses.

A threatening phone call made to Humphreys' wife Rusty advised her to 'lay off' one suspended detective, and her husband to withdraw certain allegations, while book dealer Robert Shaw was beaten up a day after giving a statement to A10. Both incidents showed knowledge that could only have come from inside the Yard, where certain friends of Humphreys' "Friends" are still in residence. Humphreys, currently serving an 8 year sentence for an attack on his wife's lover, has made his allegations in his diaries and a series of subsequent statements to his solicitors, journalists and the police.

Five of the six suspended detectives are mentioned in either the diaries or the statements. Such a high correlation of mention

and suspension increases Humphreys' credibility.

The following police officers figure in Humphreys' statements:

Commander Kenneth Drury, Head of the Flying Squad, Suspended March 1972. Retired on ordinary pension. Drury went on holiday with Humphreys to Cyprus in January 1972. Humphreys alleges he met Drury in 1971 at a Soho party he gave for a Flying Squad detective Alec Ingrams on his promotion to Detective Inspector. Humphreys claimed several other senior police officers were at the party.

Detective Chief Superintendent Alfred Moody, Head of 'F' Division CID, Suspended June 1974. Retired on medical pension. Moody headed the Obscene Publications Squad in 1969-70. Humphreys alleges that he met Moody and Bernie Silver at the Empress restaurant in 1969 when he wanted to move into the book business. He alleges Moody took a particularly keen interest in three book shops.

Detective Chief Inspector George Fenwick Former head of Number 9 Regional Crime Squad, Suspended April 1974. Retired on medical pension. Fenwick was in the 'Dirty Squad' at one time. He was moved out, according to Humphreys (who knew him) because he was too officious. In 1969 the Director of Public Prosecutions decided no proceedings should be brought against Fenwick and two other detectives over an October 1968 article in The People alleging they had cooperated with an informer to 'set up' a bank raid in order to catch the criminals involved. The three detectives issued a writ over the article. Fenwick met Humphreys socially for dinner at least once.

Detective Inspector John Legge, Testing CID, Suspended January 1974. Still serving but suspended from duty. Legge, a Flying Squad man, went on holiday to Ibiza with Humphreys in 1971 accompanied by two strippers. This was disclosed in June by London Weekend Television's "London Programme".

Detective Inspector Cyril Jones, Detective Training School, Brixton, Suspended April 1974. Still serving but suspended from duty. Jones was also on the 'Dirty Squad' with Moody. Humphreys claims he met Jones regularly.

There are police officers mentioned by Humphreys who have not been suspended or retired. There is naturally no suggestion of anything improper in their behaviour.

Commander Wallace Virgo, Head of the Yard's Central Office. Retired on ordinary pension March 1973. Humphreys claims Virgo approached him in 1969 to help prevent an attack on a prison officer. Virgo was then prison security advisor to the Home Office. Humphreys claims to have met Virgo on several later occasions. At one time Virgo was Moody's superior.

Detective Inspector Rod Tilley, Former member of the 'Dirty Squad'. Retired on medical pension. Humphreys says he was told by a News of the World reporter that Tilley had been seen with blue film dealer Jeff Phillips.

It is natural for detectives to meet criminals who are often also informants. There is therefore no suggestion of any reflection on them through their appearance in Humphreys' statements. It is not suggested that any of these retired officers has been guilty of an offence.



James Humphreys

## Future of the Banabans

From Mr Russell Johnston,  
Liberal MP for Inverness

Sir, At a referendum held in the Ellice Islands in September 1974 over 90 per cent of the population voted in favour of the separation of the Ellice Islands from the Gilbert and Ellice Islands Colony.

The decision has been accepted in principle by the United Kingdom Government which has thereby impliedly undertaken a continuing financial responsibility for the Ellice Islands. The Colony is splitting up. It is time to look again at the future of Ocean Island which is by chance also part of the Colony.

Ocean Island the homeland of the Banabans is isolated in the Western Pacific. Phosphate has been mined there since 1900, however, in 1978 the phosphate deposits will be worked out. From then on Ocean Island will be of no interest to the United Kingdom or the Gilbertese. This was admitted by the Chief Minister of the Gilberts at the United Nations in November 1974. The Banabans own Ocean Island. The Gilbertese have only ever gone there as transient workers in the phosphate industry.

The Banabans want a separate future for Ocean Island in order to preserve their separate identity and culture. There is no valid reason why they should be treated differently from the Ellice Islanders. Ocean Island is already in fact administered separately from the rest of the Colony by the British Phosphate Commissioners. A separate Ocean Island would cause no problems in the international sphere because the Fiji Government is prepared in principle to look after the Banabans. What is proposed is that Ocean Island should be an associated state with Fiji.

The only problem is what is to be done with the proceeds of the phosphate mining during the past four years of its life. This is a separate issue which is capable of solution round the conference table. The Australian and New Zealand Governments who have benefited from cheap phosphate from Ocean Island over the past 50 years will be concerned to see that neither the Gilbertese nor the Banabans suffer.

Is it really too much to hope that the British will assume some financial responsibility for the Gilbertese in the future, as they are doing for the Ellice Islanders?

It is time for the United Kingdom Government to take the initiative and solve the Ocean Island question. This is particularly so as there would be no problem if the British had let some of the Banabans return to Ocean Island in 1945 when they were released from Japanese captivity. There were some 1,000 of them. They were told they could not return to Ocean Island because there was no housing for them.

At the same time the British were busy recruiting 1,700 Gilbertese and Ellice Islanders to work in the phosphate industry on Ocean Island. Was this quite above board? Is it surprising that the Rev Tebuke Rotan (February 20) is angry?

Yours faithfully,  
RUSSELL JOHNSTON,  
Liberal Foreign Affairs Spokesman,  
House of Commons.

2177  
THE GUARDIAN Friday Janua

# Why Britain short changed Banabans

SECRET documents from the Australian Cabinet and the British Foreign Office have cast new light on Britain's continuing intransigence over paying compensation to the 3,000 former inhabitants of Ocean Island, whose homeland was destroyed by phosphate mining.

The documents, which have been made available to the Guardian, reveal Britain's overriding fear that a settlement with the Banabans, as the Ocean Island inhabitants are called, would create a precedent for other former colonial territories economically exploited in the past.

A submission to the Australian Cabinet from the then Foreign Minister, Senator Don Willesee, also disclosed plans to manoeuvre the Banabans into a hopeless legal position, and a record of

intergovernmental wrangling between Britain, Australia and New Zealand.

The documents cover the period from 1974, when the Banabans launched their protracted legal battle, to 1976, when the High Court finally ruled against them on the central questions after the longest and most expensive case in British history.

For more than 20 years the islanders had been fighting for higher royalties and the restoration of their island of just 1,500 acres in the Pacific, off the coast of New Guinea. The refusal of the British Government to pay larger compensation has long perplexed supporters of the Banabans and the governments in Wellington and Canberra.

According to a submission to the Cabinet in Canberra in January, 1975, the Australian Foreign Minister said that Britain feared that a settle-

ment with the islanders would open a Pandora's Box of claims and counter claims. "Should the Banabans succeed in court... a very far reaching precedent could be established in respect of former British colonies and mandated territories. Even a carefully negotiated out of court settlement may pose problems for Britain."

A British Government diplomatic note to the Australian Government on December 16, 1974, made the same point. It said that "to settle at all generously a case against the Crown such as this which is weak in law and based on events going so far back into the past, could have repercussions in other areas and for other Governments."

To avoid this, Britain repeatedly urged Australia and New Zealand, to form a united front to force the

By CHRISTOPHER SWEENEY

Banabans to accept minimal compensation. The maximum limit was set at £2.5 millions, according to an Australian Government document, although this in fact would not have come from any of the Governments directly.

Over £9 millions had been collected by the British Phosphate Commission, jointly owned by the three Governments, after the other phosphate rich island of Nauru had gained its independence and renegotiated contracts in 1968. The Foreign Office suggested that the £2.5 millions be deducted from this and the rest split between the countries.

The Australian Cabinet was also told in January 1975 that one of the legal actions brought by the Banabans was more than justified, although Britain was preparing to fight it. Senator Willesee admitted, according to one

Cabinet document, that an agreement to replant trees and restore Ocean Island after phosphate mining had stopped, had been broken.

"This was attempted but failed," he said. Despite this, the British Government and Phosphate Commissioners argued for weeks in court that the original leasing agreement had not been broken.

In a note from the British High Commission in Canberra to the Australian Foreign Ministry on December 16, 1974, a scheme is outlined to outmanoeuvre the Banabans. Although they were going ahead with two separate claims against Britain, the Foreign Office was anxious that both actions be fought together. A separate deal "would encourage the Banabans to try their luck," and "put them well in funds to pursue the royalty action,"

the document reports.

One central theme in all the documents is the British determination to avoid any publicity over the Ocean Island case, to avoid inevitably embarrassing details leaking out.

The Foreign Office was also determined to tie in Ocean Island to the projected Gilbert and Ellice Island confederation, so that the Banabans' small royalty payments could be used to finance the new state, with or without their approval. This would relieve the British Government of the burden, the Australian Cabinet was told, as the Treasury in London was adamant that any costs be as small as possible.

In the event, London in fact took 85 per cent of the phosphate royalties and gave them to the Gilbertese without the Banabans' knowledge, according to the High Court judgment delivered by Sir Robert Megarry last month.

SYDNEY: Box 506, GPO, 2001. MELBOURNE: 392 Little Collins St, 3000. PERTH: 454 Murray St, 6000. CANBERRA: Press Gallery, Parliament House, 2600. ADELAIDE: 104 Currie St, 5000. BRISBANE: 108 Elizabeth St, 4000.

## Beyond conscience money

WELL, we've taken out our consciences over Nauru, Papua New Guinea, the Aborigines and now Christmas Island and given them, or plan to give them, a good scrub with that excellent cleanser, money.

Isn't it about time we had a look at the one other blot on our drive to help the farmers at any price, Ocean Island?

Not that Ocean Island is a direct responsibility of Australia. In a somewhat underhand manner Britain annexed it while Australia moved in on Nauru after the Germans lost World War I.

The Banaban people on Ocean Island had the misfortune to become part of the British Gilbert and Ellice Islands colony, to have their land taken from them and to have the phosphate ripped out of it at a royalty which reached the dizzy height of what was then equivalent to about 20c a ton.

Back in the 1930s, in real-money terms, one outside authority estimated the Ocean Islanders, the Banabans, were subsidising the Australian farmer to the tune of \$200,000 a year in cheap phosphate.

Not that being British did the Banabans much good. When the Japanese struck, they were taken over just as surely as was Nauru, and they spent the war years as slave labour in places like the Marshall Islands, escaping massacre by what they now regard as a miracle.

★ ★ ★

WITH their money held in trust — and when it wasn't known if the Banabans still existed — Britain turned round and bought an island for them, Rabi in the Fiji group. It was at least a home and the meagre royalties from the phosphate provided an income.

They are now suing the British Government for retribution.

But much of the benefit that their deprivation gave the world went to Australian farmers and this puts us under an obligation too.

We can, of course, try to buy off the obligation by allowing Christmas Islanders Australian wages (this Indian Ocean island was the only uninhabited one so the people who work it now are migrants). We gave Nauru independence. But for the Banabans we need to go beyond money. We should be trying earnestly to find out what the Ocean Islanders need on their exiled home at Rabi.

Money is too easy a way to square off such an obligation.

The \$89 million that we are pouring into the Aboriginal people through the Federal Government can't recompense them for the loss of their land and, through the sense of territory, for their integrity as a people.

We can already see that money is causing as many problems as it is meant to cure.

★ ★ ★

HERE we need to go back to the root cause and this is land. The land should be identified and where possible restored.

White Australians have a right to be selfish, for instance, about the land that forms the heart of Sydney. It is a different matter when the land makes up a station lease that a British or Australian company "owns" and has abused over the years.

It also doesn't matter whether the Aboriginal people concerned make productive use of that land. As strong a conservational argument can be applied to returning it to its original hunting and gathering purposes — and its tribal territorial and religious purposes — as can be to the heavily subsidised productive "value" that we orthodoxly put on it.

Christmas Islanders are remote and their aspirations aren't known. But to pay them Australian wages, as Mr W. Morrison's department is examining, seems to be little more than a conscience-saver. Their true aspirations and the true nature of our responsibilities need to be discovered and made known — to us as well as them.

As for the Banabans, the Ocean Island people, their crying need seems to be for a future.

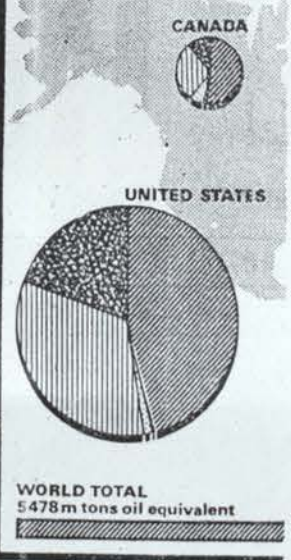
We have been negligent in the Pacific towards not only our direct responsibilities but our indirect ones as well.

Nowhere has this been more obvious than in our relations with the major island groups like Fiji, Samoa and the others. Mr Whitlam's one foray into the Pacific was so close to a disaster it was embarrassing. Of course Suva is not quite a centre of the world stage like Peking.

Now with new management at Foreign Affairs we might be prepared to listen rather than dictate, and learn, with some humility, what is morally rather than financially the right thing to do.

### The world of energy

Consumption in 1972



NO advanced industrial country can do other than pray that in the not-too-distant future technology will reduce the world's dependence on oil—which to large extent means Arab oil and even more particularly Saudi Arabian oil.

The men responsible for investing hundreds of millions of pounds in the development of nuclear power, one of the most popular alternatives to oil, believe that while technology may indeed do the trick one day nothing is certain.

To some extent, all the alternative sources now enjoying vogue — nuclear, solar, geothermal, oil shale, tar sands, wind tides, coal gasification — will make their contribution.

But still they may not be able to replace oil.

People tend to forget what cheap, flexible fuel oil is.

One of the most important markets for oil is in transport and of the many alternative fuels only the tar sands and oil shale which are really alternative methods of producing oil, can conveniently replace today's oil.

Oil from new locations outside the Organisation of Petroleum Exporting Countries (Opec) is the only feasible alternative source to the huge Middle East reserves.

The continental shelves of the world and perhaps eventually the deep seabed itself can probably be exploited for the huge oil reserves they are almost bound to contain.

The environmentalists will fight some of these projects, but in many places the oil industry is likely to be allowed to explore and produce, just as it is exploring and producing today in the North Sea.

The North Sea is usually regarded as unimportant in world or even European terms, but only 18 months ago "The Economist" was almost alone in claiming that North Sea oil would meet Britain's needs some time in the 1980s.

Now it is generally accepted that the British Government has been overly cautious in its North Sea oil estimates and that there is a good chance that Britain may be exporting oil by 1985.

So there is some reason to be optimistic about the course of exploration in the rest of the North Sea, the Celtic Sea, the Atlantic approaches to the English Channel, off the northern coast of Norway and the deep seabed all the way up to Iceland.

Some of these waters are beyond the reach of existing technology, especially production technology, but technological progress is almost certain by the 1980s and 1990s.

While no one can say how much oil will be discovered, seismic studies are encouraging, and there is a good chance that by