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HISTORICAL CROSS-BORDER RELOCATIONS IN THE PACIFIC: LESSONS FOR PLANNED RELOCATIONS IN THE CONTEXT OF CLIMATE CHANGE

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Historical Cross-Border Relocations in the Pacific: Lessons for Planned Relocations in the Context of Climate Change

Jane McAdam*

‘the whole issue could be used as an example of three wealthy nations brushing aside the interests of a small powerless group of Pacific Islanders’.¹

‘We had to leave our home. We became exiles.’²

‘The place I am living in is my home, but my home is always Banaba. We sometimes sit and talk about Banaba, even now. We want to keep the memory alive, it is still our home.’³

Introduction

There are perennial discussions about relocating whole Pacific island communities on account of the impacts of climate change. From time to time, the governments of Tuvalu and Kiribati have indicated their support for such a plan. Indonesia has offered islands for rent,⁴ and the government of Kiribati has negotiated with the Anglican church to buy 5,000 acres of freehold land in Fiji (although its primary reason for doing so is for food security and investment).⁵ In February 2014, the President of Fiji reassured the people of Kiribati that if ‘sea level continues to rise because the international community won’t tackle global warming’, they could ‘migrate with dignity’ to his country – a policy that the President of Kiribati has been advocating for a number of years.⁶ ‘Fiji will not turn its back on our neighbours in their hour of need. We accepted the Banaban people when they were forced to leave Ocean Island And if necessary, we will do it again.’⁷

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¹ Maslyn Williams and Barrie Macdonald, *The Phosphateers: A History of The British Phosphate Commissioners and the Christmas Island Phosphate Commission* (Melbourne University Press, Carlton, 1985) 514.

² Statement by Tebuke Rotan (Banaban leader), para 5, Annexure A to Notes on meeting in Nauru between the Gilbert and Ellice Islands Colony (GEIC) Parliamentary delegation and representatives of the Rabi Council of Leaders (22–24 January 1975), GEIC Secret SG 6/4, vol III (21 December 1974), Constitution – Constitutional Position and Future of Ocean Island, National Archives of Kiribati.

³ Interview with Naomi Christopher, who was part of the original relocation (Rabi, 23 October 2012).

⁴ ‘Indonesian Islands for Rent’, *The Straits Times* (Singapore, 6 May 2009)

<http://singapuraneews.multiply.com/journal/item/6357> (accessed 14 October 2011); ‘Indonesia Offers Pacific Climate Refugees Island Rental’, *Pacific Beat* (Radio Australia, 3 June 2009)

<http://www.radioaustralia.net.au/pacbeat/stories/200906/s2588395.htm> (accessed 21 June 2009) citing Dr Syamsul Maarif, Secretary-General of the Maritime Affairs Ministry.

⁵ ‘Kiribati to Buy Fiji Land Amid Rising Sea Levels’ (6 February 2013) <http://www.abc.net.au/news/2013-02-06/an-kiribati-buys-fiji-land-for-food-security/4503472>; ‘Migration Not a Priority Yet’, *Islands Business* (22 July 2013) <http://www.islandsbusiness.com/news/fiji/2028/migration-not-a-priority-yet-kiribati/>.

⁶ See eg Office of the President, Republic of Kiribati, ‘Relocation’

<http://www.climate.gov.ki/category/action/relocation/> (accessed 23 June 2014).

⁷ Nemani Delaibatiki, ‘Kiribati, You’re Welcome to Stay’, *Fiji Sun* (12 February 2014) <http://www.fijisun.com.fj/2014/02/12/kiribati-you%e2%80%99re-welcome-to-stay-2/>. Prime Minister Bainimarama made similar remarks when he closed the 9th Pacific Islands Conference on Conservation and Protected Areas in Suva in late 2013; Apisalome Coka, ‘Fiji Ready for Kiribati: PM’ (9 December 2013), <http://www.fbc.com.fj/fiji/16052/fiji-ready-for-kiribati-pm>.

The relocation of whole island communities to other countries is generally assumed to be a novel, futuristic idea.⁸ However, as noted by the President of Fiji, there are three historical examples of such cross-border relocations in the Pacific, with at least another three mooted but not carried out.⁹ In addition to the aforementioned relocation of the Banabans from present-day Kiribati to Fiji in 1945,¹⁰ they include the partial relocation of the Vaitupuan from present-day Tuvalu to Fiji, beginning in 1947,¹¹ and the relocation of Gilbertese (most of whom had been part of an ‘internal’ resettlement scheme to the Phoenix Islands which began in 1937¹²) to Gizo and Wagina in the Solomon Islands between 1955 and 1964.¹³ There are many other examples of internal relocation.¹⁴

⁸ For the purposes of this article, ‘relocation’ denotes ‘the permanent (or long-term) movement of a community (or a significant part of it) from one location to another, in which important characteristics of the original community, including its social structures, legal and political systems, cultural characteristics and worldviews, are retained: the community stays together at the destination in a social form that is similar to the community of origin’: John Campbell, ‘Climate-Induced Community Relocation in the Pacific: The Meaning and Importance of Land’ in Jane McAdam (ed), *Climate Change and Displacement: Multidisciplinary Perspectives* (Hart Publishing, Oxford, 2010) 58–59. See also Martin G Silverman, ‘Introduction: Locating Relocation in Oceania’ in Michael D Lieber (ed), *Exiles and Migrants in Oceania* (The University Press of Hawaii, 1977) 1; Michael D Lieber, ‘Conclusion: The Resettled Community and Its Context’ in Lieber (ibid) 342. Of course, over time, that original community may splinter and new groups may emerge. Lieber (at 384) expressly distinguishes between ‘relocated communities’ and migrant communities’. He describes the former as ‘administrative units within the colonial system’ with ‘ongoing administrative and political ties to the administration, its agencies, and nongovernmental institutions connected with the administration’, which can ‘negotiate with these agencies as a community.’ By contrast, migrant communities neither comprise, nor negotiate as, an administrative unit.

⁹ See eg the proposed staggered relocation of the population of Nauru to Australia in the 1960s (Jane McAdam, ‘“Disappearing States”, Statelessness and the Boundaries of International Law’ in McAdam (ed) (n 8); Brian Opekin and Gil Marvel Tabucanon, ‘The Resettlement of Nauruans in Australia: An Early Case of Failed Environmental Migration (2011) 46 *Journal of Pacific History* 337); a proposal in the 1950s to relocate Tuvaluans to Tonga (see John Connell, ‘Migration, Employment and Development in the South Pacific’, Country Report No 19: Tuvalu, SPC, Noumea, 1983); the partial relocation from Tokelau to New Zealand, which began as government-assisted migration from 1963 in response to ‘future problems of overcrowding’ and was initially envisaged for the entire Tokelauan population, although when the scheme concluded in 1976, 528 people had moved (John Connell, ‘Population Resettlement in the Pacific: Lessons from a Hazardous History?’ (2012) 43 *Australian Geographer* 127, 129, referring also to Albert F Wessen and others, *Migration and Health in a Small Society: The Case of Tokelau* (Clarendon Press, Oxford, 1992); Judith Huntsman and Kelihiano Kalolo, *The Future of Tokelau: Decolonising Agendas 1975–2006* (Auckland University Press, Auckland, 2007).

¹⁰ There was a small second movement in 1947, when Banaban leaders from Rabi, having returned there to determine whether or not the community would remain in Fiji or go back to Banaba, picked up some Banabans who were still living in the Gilbert Islands: Teresia K Teaiwa, ‘Rabi and Kioa: Peripheral Minority Communities in Fiji’ in Brij V Lal and Tomasi R Vakatora (eds), *Fiji in Transition: Research Papers of the Fiji Constitution Review Commission* (University of the South Pacific, Suva, 1997) 134.

¹¹ See Klaus-Friedrich Koch (ed), *Logs in the Current of the Sea: Neli Lifuka’s Story of Kioa and the Vaitupu Colonists* (ANU Press, Canberra, 1978).

¹² HE Maude, ‘The Colonization of the Phoenix Islands’ (1952) 61 *The Journal of the Polynesian Society* 62. This provides an excellent insight into how and why Maude proposed relocation as a solution to land hunger in the Gilbert and Ellice Islands Colony and how the relocation sites were chosen. See also Richard D Bedford, *Resettlement: Solution to Economic and Social Problems in the Gilbert and Ellice Islands Colony* (MA thesis in Geography, University of Auckland (1967)) ch 5.

¹³ See Thomas Birk, ‘Relocation of Reef and Atoll Island Communities as an Adaptation to Climate Change: Learning from Experience in Solomon Islands’, in Kirsten Hastrup and Karen Fog Olwig (eds), *Climate Change and Human Mobility: Global Challenges to the Social Sciences* (Cambridge University Press, Cambridge, 2012); Bedford (n 12) ch 6; Connell 2012 (n 9); Kenneth E Knudson, ‘Sydney Island, Titiana, and Kamaleai: Southern Gilbertese in the Phoenix and Solomon Islands’, in Lieber (n 8). A number of interviewees in Kiribati explained that the Phoenix Islanders deliberately poured sea water into their wells so that when inspectors came,

The Banabans were relocated to Rabi island in Fiji in December 1945. Ostensibly they were moved because their island had been rendered uninhabitable by the Japanese during WWII, but this was little more than an opportune excuse. The Banabans had long been regarded as an ‘awkward obstacle’ to phosphate mining operations on Ocean Island,¹⁵ and having been dispersed by the Japanese across the Colony during the war, it was considered expedient to move them elsewhere rather than back home. Two years later, in October 1947, the Vaitupians (from Vaitupu island in present-day Tuvalu) bought and settled Kioa in Fiji, an island just kilometres away from Rabi. Whereas the Banabans say they had no choice in their relocation, the Vaitupians chose to move.

This article focuses on the Banabans, but also draws some comparisons with the Vaitupians. Although the rationale for each move was very different, to my knowledge these are the only cases where communities have been relocated to an ‘empty’ island in another country to create a new ‘second home’.¹⁶ This is why they are examined together. Each case provides a fascinating counterpoint to the other, especially when it comes to perceptions of ‘forced’ versus ‘voluntary’ movement, and the ‘success’ of the resettlement. Interviews with some of the remaining original settlers, as well as their descendants, about the impacts of relocation almost seven decades on, show that the degree to which ‘choice’ impacts on the longer-term consequences of relocation cannot be underestimated, in particular when it comes to understandings of identity and belonging.

In contemporary international discussions, ‘planned relocation’ has been identified as a possible response to displacement linked to the impacts of climate change.¹⁷ Yet, past experiences in the Pacific show the potentially deep, inter-generational psychological consequences of planned relocation, which may explain why it is considered an option of last resort in that region.¹⁸ It is therefore essential that planned relocations involve affected communities, include sufficient lead time to enable careful, participatory planning processes, provide for appropriate land acquisition and ensure sustained and sufficient financing to resettle people in a way that improves rather than deteriorates living standards.¹⁹ Political commitment by the government is also essential.

they would believe that the water was not potable and this would support their desire to move: eg interview with Nakibae Tabokai (Kiribati, 9 September 2013); interview with Atanraoi Baiteke (Kiribati, 10 September 2013).

¹⁴ See eg John Campbell, Michael Goldsmith and Kanyathu Koshy, *Community Relocation as an Option for Adaptation to the Effects of Climate Change and Climate Variability in Pacific Island Countries (PICs)* (Asia-Pacific Network for Global Change Research, 2005); Connell 2012 (n 9).

¹⁵ House of Commons Debates (18 December 1975) vol 902 c 1857 (Sir Bernard Braine), referring (at c 1856) to Notes of a Meeting (October 1945) between the British colonial authority and representatives of the British Phosphate Commission.

¹⁶ In the 1960s, Australia offered to relocate the population of Nauru to Curtis Island in Queensland, on the basis that Nauru would be rendered uninhabitable by extensive phosphate mining (and that moving the population would facilitate mining to the fullest possible extent). However, the Nauruans opposed this because they feared being assimilated into Australia and losing their identity: see McAdam (n 9); Opeskin and Tabucanon (n 9).

¹⁷ In the international climate change negotiations, see the Cancún Adaptation Framework: ‘Decision 1/CP.16 – The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention’ (2010) <http://unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf> (accessed 29 May 2014).

¹⁸ See The Nansen Initiative on Disaster-Induced Cross-Border Displacement, *Human Mobility, Natural Disasters and Climate Change in the Pacific* (Report from the Nansen Initiative Pacific Regional Consultation, 21–24 May 2013, Rarotonga, Cook Islands).

¹⁹ Koko Warner and others, *Changing Climate, Moving People: Framing Migration, Displacement and Planned Relocation* (UNU-EHS Policy Brief No 8, June 2013) 8, recommendation 5.

The article does not attempt to draw artificial parallels between historical examples and possible future relocations related to the impacts of climate change. Indeed, if there is a uniform conclusion that comes from analysis of past relocations, it is that the particular historical and political context of each is fundamental to how relocation is pursued and perceived – by the relocated community, by the receiving community, and by the community they have left. Nevertheless, some common elements can be discerned. It is clear that consultation, participation and negotiation not only affect the nature of movement and the type of structures created in the new site, but they also influence how the relocation is understood (over time). The lessons of Rabi and Kioa provide insights into the possible ramifications of any future relocations of Pacific islanders, and provide some of the best indicators we have about its conceptual and pragmatic challenges. In this way, history can inform contemporary policy.

Methodology and sources

The analysis in this article is based on 38 interviews conducted in Fiji and Kiribati in 2012 and 2013, and examination of official records housed in the national archives of Kiribati, Fiji and the United Kingdom, and the colonial records of the Western Pacific High Commission held in New Zealand. Naturally, it also draws on the (fairly limited) secondary literature relevant to the study.

Interviews in Fiji were with members of the Banaban community on Rabi and in Suva, including present and past political and community leaders; and members of the Kioan community on Kioa. The youngest interviewee was 18; the oldest were Banabans in their 90s who had been part of the original relocation in 1945. In Kiribati, interviewees were past or present government officials.

The archival research draws on analysis of 4,500 pages of official records housed in the national archives of Kiribati, Fiji and the United Kingdom; the colonial records of the Western Pacific High Commission held in New Zealand; and the records of the United Nations Committee of 24 (on decolonization). These documents span the period 1900 to 1986. The archival records contain correspondence between the local Pacific colonial administrations (primarily the Gilbert and Ellice Islands Colony and Fiji), the Colonial Office in London, and the governments of Australia and New Zealand. They also include correspondence from Banaban representatives. The article also draws on parliamentary debates in the British House of Commons and House of Lords, and the parliaments of Australia and New Zealand, between 1908 and 1994.

With all these sources, one must be mindful of the particular bias of the author/speaker in evaluating their views. Confidential file notes and internal communications are particularly revealing because their agenda is often explicit, rather than couched in the language of diplomacy or negotiation.

The Banaban relocation

In 1804, Banaba, a raised, solitary coral island in the Pacific,²⁰ was discovered by the British vessel ‘Ocean’ and became known as ‘Ocean Island’. In 1892, the islands in the Gilbert and Ellice groups (not including Ocean Island) were proclaimed British protectorates. In 1900,

²⁰ Ocean Island is 400 km west of Kiribati’s nearest island and 300 km east of Nauru.

Ocean Island was found to be a rich source of high-grade phosphate, and on 3 May 1900 the London-based Pacific Islands Company (PIC) obtained ‘the sanction of the Chief and people of Ocean Island to search for and remove phosphates’ for 999 years.²¹ As the English High Court observed years later, it is doubtful that this was ever translated for the Banabans, nor that the concept would have meant anything to them even if it had.²²

On 2 October 1900, the PIC acquired a licence from the Colonial Office for the exclusive occupation of Ocean Island for 21 years from 1 January 1901 to remove guano and other fertilizing substances.²³ On 13 August 1901, the company (now merged in the Pacific Phosphate Company) acquired a revised licence from the High Commissioner for the Western Pacific, by direction of the Colonial Office, providing an exclusive right for 99 years to collect and export phosphate from the island.²⁴

By that time, Ocean Island had been incorporated into the Gilbert and Ellice Islands Protectorate (on 28 November 1900). On 10 November 1915, the Protectorate was annexed as part of the Gilbert and Ellice Islands Colony (present-day Kiribati and Tuvalu). A subsequent Order in Council of 27 January 1916 formally included Ocean Island, as well as Fanning and Washington Islands, within the colony’s boundaries.²⁵

As early as 1909, the Company proposed that the 476 Banabans be removed from Ocean Island so that it could be mined more efficiently and extensively. ‘A time must come when an “impasse” will be reached, and either the Company will have to abandon their work, or the natives will have to be moved off the island, which will no longer produce native food adequate for their wants.’²⁶ It was noted that while a ‘wholesale deportation of the native population of Banaba might be possible’, ‘the natives would need much persuasion, and a suitable island would be hard to find.’²⁷ They would need ‘a very fertile island with a permanent water supply’, capable of supporting them all and ‘affording them food and profitable occupation at the making and export of copra.’²⁸ It was suggested that they could relocate within the Colony to Kuria, and Kuria’s inhabitants could move to Abemama (from where they had come originally). Nevertheless, both moves would have to be voluntary to avoid a ‘forced deportation’.²⁹

²¹ Letter from Chairman of the Pacific Phosphate Company to the Secretary of State, Colonial Office, London (31 December 1907), para 3, AU Microfilm 627, 491/1909: Land on Ocean Island, University of Auckland Library. A copy of the agreement is reproduced in Barrie Macdonald, *Cinderellas of the Empire: Towards a History of Kiribati and Tuvalu* (University of the South Pacific, Suva, 2001) 95–96. For a detailed account of the history and the constitutional position of Ocean Island, see *Tito v Waddell (No 2)* [1977] Ch 106, 129ff.

²² *Tito v Waddell* (n 21) 130.

²³ *Ibid.*

²⁴ Letter from Chairman of the Pacific Phosphate Company to the Secretary of State (n 21), para 5. An altered final licence was granted on 31 December 1902.

²⁵ Orders in Council of 1915 and 1916. At that time, the relevant Order in Council referred only to islands covered by the protectorate as at 1892. A subsequent Order in Council of 27 January 1916 formally included Ocean Island, as well as Fanning and Washington Islands, within the colony’s boundaries: House of Lords Debates (19 February 1979) vol 398 c 1597 (Minister of State, Foreign and Cth Office, Lord Goronwy-Roberts).

²⁶ Confidential letter from Arthur Mahaffy, Assistant to the High Commissioner, Ocean Island to the High Commissioner for the Western Pacific, Suva, Confidential (14 April 1909), para 13, AU Microfilm 627, 491/1909: Land on Ocean Island, University of Auckland Library.

²⁷ *Ibid.*, para 15.

²⁸ Confidential letter from John Quayle Dickson, Resident Commissioner to the High Commissioner for the Western Pacific (14 December 1909), para 4, AU Microfilm 627, 491/1909: Land on Ocean Island, University of Auckland Library.

²⁹ File note (9 June 1909), sheets 3–4, 6, AU Microfilm 627, 491/1909: Land on Ocean Island, University of Auckland Library. See also AU Microfilm 79-276, 1619/1925: Proposed Removal of Banabans and Land

While the Company was agitating for relocation, the Colonial Office in London was far more circumspect.³⁰ It maintained that the Banabans had a right to remain in their traditional homeland and to benefit from the proceeds of any resources taken from it. Any relocation scheme would have to ‘operate entirely by way of inducement and not by compulsion’ and ‘the whole cost of the scheme of removal and of establishing the Banabans in their new home must be borne by the Company.’³¹

However, in the communication that was eventually to secure their fate, the local colonial administration argued that while it would be ‘repugnant’ to ‘evict a native tribe ... from its home’ simply ‘to afford wider opportunity of gain to a rich commercial corporation’,³² in the present case the greater good of the Empire was at stake. ‘Looking at the matter from the Imperial point of view’, wrote the High Commissioner in 1919,

it appears to me that, if it is to be the policy of His Majesty’s Government, in order to meet the demand for food supplies, to turn to account all the available resources of the Empire, and to ensure the maximum extent of cultivation, only the very strongest reasons can be allowed to impede the working of a deposit which possesses so great a value for fertilising purposes as the phosphate on Ocean Island. Indeed the interests of the Empire seem to demand that the process of development on Ocean Island should be allowed to continue until the whole island is worked out.³³

The following year, 22 Banaban elders raised the subject of relocation themselves, described by the colonial authorities as a ‘marked change’ in attitude.³⁴ While they sought assurances that they would not be relocated during their lifetime, and ‘no sudden or wholesale removal would be resorted to at any period’,³⁵ they felt they had a responsibility to secure land for the future. The Resident Commissioner reassured them, and noted that this approach ‘would enable the Government to make arrangements in ample time as closely as might be possible to the conditions acceptable to the community.’³⁶

In late 1924, the first official inquiry was made by the Office of the High Commissioner for the Western Pacific to Fiji about the possible purchase of an island for the gradual resettlement of the Banaban population. The island would need ‘sufficient planting land for

Acquisition, relating to Possible Acquisition of Kuria and Aranuka, and Descent of Present Landholders, University of Auckland Library.

³⁰ While this may appear counter-intuitive, it chimes with London’s attitude to colonial attempts to restrict immigration: Alison Bashford, ‘Immigration Restriction: Rethinking Period and Place from Settler Colonies to Postcolonial Nations’ (2014) 9 *Journal of Global History* 26.

³¹ Letter from J Lambert to the Chairman of the Pacific Phosphate Company (5 June 1918), AU Microfilm 78-346, 2273/1918: Question of Banaban Removal, University of Auckland Library.

³² Letter from CH Rodwell, High Commissioner, to the Secretary of State for the Colonies (25 March 1919), para 2 (emphasis added), AU Microfilm 78-346, 2273/1918, Question of Banaban Removal, University of Auckland Library.

³³ *Ibid*, para 5.

³⁴ Letter from EC Eliot, Resident Commissioner to the High Commissioner (2 April 1920), AU Microfilm 79-217, 692/1920: Removal of Banabans, University of Auckland Library.

³⁵ *Ibid*, para 3.

³⁶ *Ibid*, para 4.

sustenance', a water supply (if possible), and some anchorage for boats.³⁷ Similar confidential inquiries were also made within the Gilbert Islands.³⁸

However, when a new High Commissioner was appointed in 1925, he was not in favour of resettlement within Fiji even if an island were available.

I am of opinion that they would never settle down contentedly under the new conditions of life in Fiji. Native customs and traditions vary very materially in the various groups of islands in the Pacific however adjacent they may be to each other. I consider that the difference in race and conditions of life would prove to be a serious stumbling block to the contented settlement of the Banabans in Fiji – then there would be the difficulty of Administration. ... Then there is the question of deciding the system of administration under which they should be placed in Fiji. It would not be correct to require them to conform to Native Regulations en bloc or to the system of taxation applicable to natives. They would certainly resent the imposition of taxes in a form to which they have been unaccustomed to meet in Ocean Island, and it would seem to be inequitable to make them subject to taxation borne by Europeans and persons in Fiji other than natives.³⁹

The Resident Commissioner proposed the creation of a trust fund (the Banaban Fund, established in 1913) into which the Company would 'pay an annual sum to be held in trust for the general benefit of Ocean Island natives, always having in view the purchase of another island in the Gilbert Group and the ultimate transfer of the natives to that island.'⁴⁰ While some officials later disputed that this was its purpose,⁴¹ the original documents show it to be the case. In 1931, the Banaban Provident Fund was also established (from a portion of the royalty on exported phosphate) 'for the purpose of the eventual purchase of a new island home for the Banabans.'⁴²

In 1940, the Banabans again started to agitate for a 'new home, Banaba No. 2'.⁴³ One of their main concerns was that 'the younger generation of Banabans was growing up in too Europeanized an atmosphere and that, if they were to preserve their racial identity and

³⁷ Letter from the Acting High Commissioner to the Acting Colonial Secretary, Fiji, (1 December 1924), para 2, AU Microfilm 79-267, 2824/1924: Removal of Banabans from Ocean Island, University of Auckland Library.

³⁸ See eg Telegram from the Acting High Commissioner to McClure, Resident Commissioner, Gilbert and Ellice Islands (27 December 1924), AU Microfilm 79-267, 2824/1924: Removal of Banabans from Ocean Island, University of Auckland Library.

³⁹ Letter from Eyre Hutson, High Commissioner to the Secretary of State (15 May 1925), para 3, AU Microfilm 79-267, 2824/1924: Removal of Banabans from Ocean Island, University of Auckland Library.

⁴⁰ Confidential letter from John Quayle Dickson, Resident Commissioner to the High Commissioner for the Western Pacific (10 December 1909), para 3, AU Microfilm 627, 491/1909: Land on Ocean Island, University of Auckland Library. Letter from H Vaskess, Secretary of the Western Pacific High Commission to the Acting Auditor, Suva (15 January 1946), para 3, WPHC 6: CF48/5, vol III: 'The Banaban Provident Fund was instituted for the purpose of purchasing and providing a new home for the settlement of the Banabans when the progress of phosphate mining in Ocean Island should render necessary their emigration from that island.' All WPHC (Western Pacific High Commission) materials cited in this article come from: Great Britain, High Commission for Western Pacific Islands, Western Pacific archives, 1877–1978, MSS & Archives 2003/1, Special Collections, University of Auckland Library.

⁴¹ Eg Letter from EC Eliot, Resident Commissioner to the High Commissioner (9 November 1918), para 18, AU Microfilm 627, 491/1909: Land on Ocean Island, University of Auckland Library.

⁴² Memorandum from H Vaskess, Secretary, Western Pacific High Commission to His Excellency, 'Proposed Settlement of Banabans in Rambai Island' (4 September 1944), para 3, WPHC 6: CF48/5, vol II.

⁴³ Confidential letter from JC Barley, Resident Commissioner to His Excellency, the High Commissioner for the Western Pacific (15 July 1940), WPHC 6: CF48/5, vol I.

culture, it was necessary to continue that culture elsewhere.⁴⁴ For this reason, they desired a new home where they could ‘resume native cultivation, mat-making and fishing’.⁴⁵

They proposed the acquisition of Wakaya Island in Fiji, ‘insisting that this was not to be regarded as a replacement for Ocean Island but rather as a second home.’⁴⁶ Wakaya Island was owned by a company, Wakaya Ltd, and the majority of the company’s shares were owned by the Executor of the will of the late RBS Watson. It was reported that the Executor would be prepared to sell ‘if a reasonable offer was made.’⁴⁷ The colonial authorities arranged for a survey of Wakaya island to see whether it had sufficient cultivated land to support the Banaban population,⁴⁸ but it was found to be unsuitable because the soil was shallow and the water supply poor.⁴⁹ Lever Bros offered to sell Rabi, and eventually the Banabans agreed that the High Commissioner should try to secure both Rabi and Wakaya.⁵⁰ The British government’s felt the price of Wakaya was too high,⁵¹ so Rabi alone was purchased from the Banaban Provident Fund in March 1942 and the Banabans became the beneficial owners.⁵²

The rationale for the purchase of Rabi was ‘to provide an island for the settlement of the natives of Ocean Island against the time when the phosphate deposits in that island will have been worked out and the island will, in consequence, have become largely uninhabitable.’⁵³ It was noted that it would ‘probably be many years before the Banabans will be ready to

⁴⁴ Ibid.

⁴⁵ Letter from the Banaban Community to the Secretary of State for the Colonies (7 June 1940), para 4, WPHC 6: CF48/5, vol I.

⁴⁶ Foreign and Commonwealth Office (UK) Comments on Draft Petition of the Banabans to the United Nations (1 November 1974), 3, GEIC Secret SG 6/4, vol II (May 1974), Constitution – Constitutional Position and Future of Ocean Island, National Archives of Kiribati.

⁴⁷ Memorandum from FR Charlton, OBE to His Excellency the Governor of Fiji (7 January 1941), para 4, WPHC 6: CF48/5, vol I.

⁴⁸ Telegram from the High Commissioner to the Resident Commissioner, Gilbert and Ellice Islands Colony (21 January 1941), WPHC 6: CF48/5, vol I.

⁴⁹ Telegram from the High Commissioner to the Resident Commissioner, Gilbert and Ellice Islands Colony (18 June 1941), WPHC 6: CF48/5, vol I.

⁵⁰ Telegram from Acting Resident Commissioner, Gilbert and Ellice Islands Colony to the High Commissioner (17 March 1942), WPHC 6: CF48/5, vol I; Telegram from Acting Resident Commissioner, Gilbert and Ellice Islands to the High Commissioner (13 February 1942), WPHC 6: CF48/5, vol I.

⁵¹ The High Commissioner was informed that the trustees of the estate would sell for FJ£12,500. His counter-offer of FJ£5,000 was rejected. See Letter from Messrs Cromptons, Barristers and Solicitors, Suva to the Secretary, Western Pacific High Commission (11 April 1942), WPHC 6: CF48/5, vol I; Letter from Secretary, Western Pacific High Commission to Messrs Cromptons, Barristers and Solicitors, Suva (17 April 1942), WPHC 6: CF48/5, vol I; Letter from Messrs Cromptons, Barristers and Solicitors, Suva to the Secretary, Western Pacific High Commission (29 May 1942), WPHC 6: CF48/5, vol I.

⁵² Foreign and Commonwealth Office (UK) Comments on Draft Petition of the Banabans to the United Nations (n 46), 3, in GEIC Secret SG 6/4, vol II (May 1974), ‘Constitution – Constitutional Position and Future of Ocean Island’, Kiribati National Archives; see also House of Commons Debates (23 January 1975) vol 884 c 2103 (Minister of State for Foreign and Cth Affairs, Mr Ennals. While in land law terms, the Banabans ‘owned’ Rabi and Ocean Island, in international and constitutional law terms, those islands belonged to the Crown – respectively Fiji (independent from 1970) and the Gilbert and Ellice Islands Colony (for which the UK government was responsible internationally): Ocean Island: Opinion (14 December 1973), 2, GEIC Secret SG 6/4, vol I (June 1973 to April 1974), Constitution – Constitutional Position and Future of Ocean Island, National Archives of Kiribati. In the 1968 Phosphate Talks, Lord Shepherd noted the Banabans’ ‘original possession of the Island containing the phosphate’: ‘Concluding Statement by the Rt Hon The Lord Shepherd, the Minister of State, Foreign and Commonwealth Office, at Lancaster House on Wednesday, 30 October, 1968’, in Foreign and Commonwealth Office (UK), *The Ocean Island Phosphates Discussions* (October 1968), 25.

⁵³ Letter from Vaskess (Secretary to the High Commission) to the Colonial Secretary (Office of the High Commission for the Western Pacific) (29 June 1942), para 2, in F 37/269/1: ‘Settlement of Natives of Ocean Islanders [sic] on Rabi Island – Fiji’, National Archives of Fiji.

migrate to Rabi Island’, and that ‘by that time different counsels might prevail and the migration might never take place at all’. In such an eventuality, the island could be sold to another buyer.⁵⁴

In August 1942, Ocean Island was occupied by the Japanese, who began removing the Banabans in successive boatloads to Kusaie, Ponape, Nauru and Tarawa in early 1943.⁵⁵ Those who remained on Ocean Island became forced labourers⁵⁶ and were subjected to brutal treatment and severe malnourishment.⁵⁷ By the end of the war, there were 600 Banabans (and Gilbertese who had lived with them) on Nauru, 750 on Kusaie and 120 on Tarawa. The colonial authorities regarded this as a ‘unique opportunity’ to take them directly to Rabi because it was ‘impossible for them to inhabit Ocean Island at present’.⁵⁸ That this was of commercial benefit to the phosphate company was clear: ‘the settlement of the Banaban question is even more to the essential benefit of the British Phosphate Commission than the Government.’⁵⁹ The bitter irony was that the Commission brought in 1,700 Gilbertese labourers to mine for phosphate and ‘enjoy the relatively high wages and benefits which the Banabans might themselves have enjoyed on their own soil’.⁶⁰ ‘Get them out of the way and leave us to exploit what is left of the island in peace’ was how Lord McNair later portrayed the company’s attitude.⁶¹

According to the Banabans’ founding myth, the elders were shown photographs of an established town with two-storey houses and told it was Rabi. In fact, it was not: it was the former capital of Fiji, Levuka. Believing that they were moving to an established town that was much better equipped than their homeland, they reluctantly consented to go. The majority was sent to Rabi in December 1945, in the middle of the hurricane season. Some Banabans believe that they were never meant to make it and that the voyage itself was intended to kill them.⁶² On arrival, they found no town and very few inhabitants – just some Solomon Islanders who remained to work on the old coconut plantations. They had to live in canvas tents beside the beach, with two months’ rations and little knowledge of how to plant the island and become self-sufficient.⁶³ Indeed, colonial documents from the period describe Rabi as ‘a refugee camp’: ‘Living accommodation is all of a temporary nature and most will

⁵⁴ File note by Johnson, para 2 (19 August 1942) in F 37/269/1: ‘Settlement of Natives of Ocean Islanders [sic] on Rabi Island – Fiji’, National Archives of Fiji.

⁵⁵ See details in Bauro Ratieta, ‘Report on Japanese Occupation of Ocean Island’ (January 1944), 7, in Pacific Manuscripts Bureau (PMB) 1136: File of Lampert, Ron and Sigrah, Ken, Reel 1, Folder of Reports and Notes on Ocean Island and Nauru, National Library of Australia.

⁵⁶ ‘Interrogation of Morning Star – 21st January, 1945’, 8, in PMB 1136: File of Lampert, Ron and Sigrah, Ken, Reel 1, Folder of Reports and Notes on Ocean Island and Nauru, National Library of Australia, referring to the report of a Gilbertese public servant.

⁵⁷ See the personal account of Bauro Ratieta (n 55) 5–8; ‘Interrogation of Kabunare’, 11 (December 1945) in PMB 1136: File of Lampert, Ron and Sigrah, Ken, Reel 1, Folder of Reports and Notes on Ocean Island and Nauru, National Library of Australia.

⁵⁸ Notes of a Meeting (October 1945) between the British colonial authority and representatives of the British Phosphate Commission, referred to in House of Commons Debates (18 December 1975) vol 902 c 1856 (Sir Bernard Braine).

⁵⁹ House of Commons Debates (18 December 1975) vol 902 c 1856 (Sir Bernard Braine).

⁶⁰ House of Commons Debates (18 December 1975) vol 902 c 1857 (Sir Bernard Braine).

⁶¹ House of Lords Debates (19 February 1979) vol 398 c 1615 (Lord McNair).

⁶² Interview with Lucian Tuari, Itaiia Tuari and Terikano Takesau (Rabi, 23 October 2012); Interview with Marlie Rota, Executive Director, Rabi Council of Leaders (Rabi, 21 October 2012).

⁶³ Interview with Tebora Tewai, who was part of the original relocation (Rabi, 21 October 2012); interview with Naomi Christopher (n 3).

be in tents until permanent villages can be built.⁶⁴ In later years, UK authorities admitted that the early conditions on Rabi were unsatisfactory ('inadequate housing and poor medical and educational facilities').⁶⁵

Sir Bernard Braine summed up the representations made by the UK authorities to the Banabans as 'based on a lie.'⁶⁶ 'All in all, the transfer of the Banabans to Rabi was as voluntary as the removal of the crew of a torpedoed ship to the life rafts. There was to be no return.'⁶⁷

The British records tell the story somewhat differently. While they do not mention deceptive photographs,⁶⁸ they do reveal that a decision was made to move the Banabans to Rabi 'whether they were agreeable or not, as there was no place in the Gilbert and Ellice Islands Colony where they could be adequately provided for.'⁶⁹ Nevertheless, Major Douglas Kennedy, who briefed and accompanied the group, said that when he met with the Banabans prior to their relocation, he opened each meeting with the statement that 'no person would be forced to go to Rabi against his will'.⁷⁰ According to Kennedy, only one person objected to moving but eventually agreed to go. The move was to be for a trial period of two years, and if they chose to return to Ocean Island at the end of this, they would be transported back free of charge.⁷¹ The Secretary of the Western Pacific High Commission thought it 'very doubtful' that the Banabans would agree to remain on Rabi permanently, noting that their willingness to do so would 'depend upon their treatment there and whether they get to like the place sufficiently during their enforced sojourn in the island.'⁷² Indeed, this was a key factor in the decision to grant them a degree of autonomy in managing their affairs on Rabi with 'as nearly as possible the same Government organization and powers of self-Government as they enjoyed and were used to in Ocean Island.'⁷³

In November 1946, the Banabans voted unanimously to make Rabi their permanent home.⁷⁴ This vote came a year earlier than planned, and was carefully orchestrated by the second

⁶⁴ Telegram from Colonial Secretary to McAlpine, Savu Savu (18 November 1945), para 1, WPHC 6, CF 48/5/2 vol I.

⁶⁵ Foreign and Commonwealth Office (UK) Comments on Draft Petition of the Banabans to the United Nations (n 46) 3. See also the descriptions in Pearl Binder, *Treasure Islands: The Trials of the Ocean Islanders* (Blond and Briggs, London, 1977) 103–05.

⁶⁶ House of Commons Debates (26 July 1979) vol 971 c 1226 (Sir Bernard Braine).

⁶⁷ House of Commons Debates (24 May 1979) vol 967 c 1269 (Sir Bernard Braine).

⁶⁸ According to an unattributed quote in Binder (n 65) 102, Sir Albert Ellis wrote: 'With such an event, momentous in the eyes of the natives, it was only natural that they wanted full particulars, which Major Kennedy was well able to supply; he also showed them photographs of Rambi conveying a good idea of the island.' Binder writes that these photographs were 'taken when the island belonged to Leverhulme and was well cared for'.

⁶⁹ Letter from H Vaskess, Secretary, Western Pacific High Commission to GK Roth, Esq (5 December 1945), para 8, WPHC 6, CF 48/5/2 vol I.

⁷⁰ Major Kennedy, Progress Report on Banaban Settlement: 23rd October, 1945 to 20th January, 1946, para 5, WPHC 6, CF 48/5/2 vol II.

⁷¹ HE Maude, for the Secretary of the Western Pacific High Commission to Major DG Kennedy (22 October 1945), para 4, WPHC 6, CF 48/5/2 vol I.

⁷² Letter from H Vaskess, Secretary, Western Pacific High Commission to GK Roth, Esq (5 December 1945), para 9, WPHC 6, CF 48/5/2 vol I.

⁷³ *Ibid*, para 10.

⁷⁴ Telegram from Major FGL Holland to the Secretary, Western Pacific High Commission (20 November 1946), WPHC 6, CF 48/5/2 vol II; Letter from Major Holland (Administrative Officer, Rambi) to the Secretary, Western Pacific High Commission (2 December 1946), para 4, WPHC 6, CF 48/5/2 vol II. For details of their

resident administrative officer on Rabi, Major Holland. Indeed, he was aware that if the decision were left until the end of the second year, as advised, it was clear that the Banabans would vote to return home. The High Commissioner for the Western Pacific regarded this news as a ‘surprising *volte-face* on the part of the Banabans’, perhaps implying that Major Holland had exerted pressure that his predecessor had not.⁷⁵ Indeed, Major Holland explained in a follow-up letter that had he followed the recommendation to take a vote later, there would have been a single answer: return to Ocean Island, which was the preference of the elders. Their authority in the community, while essential to maintaining ‘peace and order’, meant that ‘[n]o young man would dare to oppose the all-influential old men, whatever his own desires.’ Major Holland therefore explained his deliberate ‘method ... to make the decision to stay on Rambi inevitable by the cumulative effect of measures contemplated or adopted in its favour.’ Such measures included instruction in agricultural practices, bestowing Gilbertese placenames on local places, enabling radio-telephone communication between settlements, transferring senior schoolboys to Fijian schools, building roads and bridges, developing the Co-operative Society, and creating women’s committees.⁷⁶ He also tried to stop large gatherings where he feared that individuals might mobilize support to return to Ocean Island. This vote proved to be premature, because the following month the British Phosphate Commissioners decided they were willing to negotiate a final settlement of the land question with the Banabans.⁷⁷

On 13 May 1947, a second vote – a referendum – was held on Rabi to determine whether or not the Banabans would remain there permanently or return to Ocean Island. (Other histories of the Banabans do not refer to the 1946 vote at all.) By 270 to 48 votes, they decided to remain,⁷⁸ based on the conditions set out in the 1947 ‘Statement of Intentions of Government’. It provided that the Banabans’ decision to reside on Rabi ‘shall in no way affect any right to lands possessed by the Banabans on Ocean Island’,⁷⁹ and included ‘an inalienable right to return to Ocean Island, respecting this deep-seated feeling ... of the Banabans for their land, and covered both the right of ownership and the right of access to the island.’⁸⁰ This document subsequently became the basis for the Banabans’ entrenched rights in the Constitution of Kiribati.

The relocation of Kioans from Vaitupu

The story of Kioa is very different, even though the material conditions in which both groups find themselves today are very similar. The purchase of Kioa by the Vaitupuan was not motivated by immediate land scarcity or extreme environmental conditions, nor coerced by the authorities. The Kioans chose to move. Furthermore, whereas the Banaban relocation was en masse, in the case of Kioa, only a segment of the population moved. As Teresa Teaiwa has observed: ‘while Rabi Island’s settlement ... has become something of a

demands, see Letter from Major Holland (Administrative Officer, Rambi) to the Secretary, Western Pacific High Commission (2 December 1946), WPHC 6, CF 48/5/2 vol II.

⁷⁵ File note by Vaskess to the High Commissioner (21 November 1945), WPHC 6, CF 48/5/2 vol II.

⁷⁶ Letter from Major Holland to HH Vaskess (29 November 1946), para 3, WPHC 6, CF 48/5/2 vol II.

⁷⁷ *Tito v Waddell* (n 21) 188.

⁷⁸ Williams and Macdonald (n 1) 367.

⁷⁹ House of Lords Debates (19 February 1979) vol 398 c 1620 (Lord Brockway).

⁸⁰ House of Lords Debates (19 February 1979) vol 398 c 1610 (Baroness Elles). Of key concern to a number of MPs was that: ‘Now, without the consent of the Banabans, it is proposed that that agreement between the British Government and them should be transferred to another sovereign power’: House of Lords Debates (19 February 1979) vol 398 c 1620 (Lord Brockway).

historical controversy, Kioa was clearly settled by the choice of islanders by Vaitupu, and without as much drama.⁸¹

During the Second World War, some of the men from the island of Vaitupu in the Ellice Islands (now Tuvalu) had assisted the US military in the Pacific. At the end of the war, they decided to pool their war savings to invest in something for the Vaitupuan community as a whole (eg a school).⁸² Donald Kennedy, a New Zealander who had been a school teacher on Vaitupu, suggested that they purchase Kioa in Fiji as a future insurance policy against overpopulation and land scarcity. Indeed, a letter sent to the Acting Colonial Secretary couched the desired purchase in those terms.⁸³ While these were real concerns throughout much of the Gilbert and Ellice Islands Colony, Vaitupu in fact had the lowest population density of the Ellice Island group, far below what was considered the 'optimum' population size.⁸⁴ Chief Lands Commissioner Cartland criticized the scheme because the Vaitupuan were 'the least in need of such an acquisition' and it was at odds with 'the policy of procuring the maximum development of the land of the Colony, since Vaitupu atoll will remain neglected while many of the young men are away at Kioa.'⁸⁵ Bedford suggests that the Vaitupuan may have been motivated by 'prestige'.⁸⁶

Correspondence about the proposed purchase shows that the primary concern was not about the availability of land, but the desirability of immigration. Reference was made to a 1938 policy relating to Gilbertese immigration, that noted that such immigrants would likely find it difficult to secure employment and could become a charge on public funds. 'Applications to settle permanently or semi-permanently are therefore severely scrutinized and sparingly granted.'⁸⁷ More generally, there were concerns about Indian immigration to Fiji. The note went on to state that the Gilbertese had 'a claim to sympathetic and special consideration', stronger than that of the Indians, on account of their cultural, racial and religious ties and their expertise as fishermen.⁸⁸ 'It is far better in the interests of the Fijians that such properties be possessed by fellow Pacific Islanders than by members of a race with whom they could not find common interests.'⁸⁹ The Acting Director of Agriculture in Fiji regarded '[p]lanned settlement schemes' as the answer to Fiji's agricultural development, since Fiji possessed 'far too much land and too few people to cultivate it.'⁹⁰ A Kioan settlement might also have 'a stabilizing effect on the Banaban settlement on Rabi.'⁹¹ Nevertheless, some were wary of the future ramifications of such a scheme: 'We cannot permanently imprison them on one small island. If they are admitted, we must be ready to absorb them into our

⁸¹ Teaiwa (n 10) 132.

⁸² Interview with Samalu Taitai, Chairman of the Kioa Island Council (Kioa, 25 October 2012).

⁸³ Letter from Vaskess, Secretary, Western Pacific High Commission to the Acting Colonial Secretary (7 May 1946), F128/23-1, Kioa Island, Settlement of by Vaitupu Island, National Archives of Fiji.

⁸⁴ Bedford (n 12) 85.

⁸⁵ BC Cartland, Memorandum on Land-Hunger in the Gilbert and Ellice Islands Colony (1952) 18 cited in *ibid.*

⁸⁶ Bedford (n 12) 85. This is echoed by comments made by people I interviewed in Tuvalu in 2009 that the Vaitupuan are very competitive and regard themselves as being at the top of the hierarchy of islands in Tuvalu.

⁸⁷ File note by Acting Colonial Secretary (14 May 1946), para 2, F128/23-1, Kioa Island, Settlement of by Vaitupu Island, National Archives of Fiji.

⁸⁸ *Ibid.*

⁸⁹ File note by Acting Secretary for Fijian Affairs (25 May 1946), F128/23-1, Kioa Island, Settlement of by Vaitupu Island, National Archives of Fiji.

⁹⁰ Letter from the Acting Director of Agriculture to the Colonial Secretary (5 June 1946), para 3; supported by the Director of Lands (10 June 1946), F128/23-1, Kioa Island, Settlement of by Vaitupu Island, National Archives of Fiji.

⁹¹ Acting Colonial Secretary (11 June 1946), para 5, F128/23-1, Kioa Island, Settlement of by Vaitupu Island, National Archives of Fiji.

general population and to concede them the same rights as are enjoyed by other British subjects living here.⁹²

In June 1946, the day before Kioa was to be auctioned, the Colonial Secretary gave approval for the purchase of Kioa and the immigration of up to 250 Vaitupuan over a period of 10 years.⁹³ The Vaitupuan community (then around 700 people) bought the freehold title to Kioa for FJ£3,000 with the pooled funds (plus contributions of 7 pounds by 110 family heads to make up the shortfall).⁹⁴ Volunteers were called upon to go and settle Kioa, although in reality many were sent by the family heads.⁹⁵ According to the Chairman of the Kioa Council, 'no-one wanted to come to Kioa because by that time people were going to Banaba for phosphate. And, most people wanted to go to work.'⁹⁶

Eight groups of settlers arrived between 1947 and 1963. The first group consisted of 26 men and eight women (and no children).⁹⁷ By 1952, there were 80 inhabitants. The last major group arrived in 1954, with the last three waves consisting only of nuclear families and some relatives of settlers already there. By 1963, the population was 235 and at this point, the immigration authorities prevented more immigration until there had been greater progress in developing the island.⁹⁸

The early days of the settlement were tough, clearing the land, establishing gardens, adjusting to life on a high island and building a settlement from nothing.⁹⁹ One of the greatest impediments to the development of Kioa was that individuals had no security of title because the family heads envisaged 'a pure communal system like the Kibbutz of Israel.'¹⁰⁰ Indeed, writing in 1967, the District Officer in Fiji surmised that the family heads regarded Kioa 'as a kind of Promised Land, an ample and fertile island which will be a retreat when land pressure becomes intolerable in the homeland, and the present inhabitants of Kioa are merely there as caretakers.'¹⁰¹ Without individual security, settlers were unwilling to work to clear and plant the land, beyond the early establishment of communal gardens necessarily to provide basic foodstuffs.¹⁰² Right from the start, Fiji had restricted the number of Vaitupuan who could move to Kioa (initially up to 250 families) and for many years the settlement remained at the discretion of the Fiji authorities.

By 1954, it was clear that the Kioan settlers wanted security of title over family subdivisions before they would commit to developing the island further. A delegation returned to Vaitupu in 1958 to try to create a mutually acceptable development policy. As a result, a council of shareholders was established which would administer the island through agents in Suva and

⁹² Cooper, Section C (11 June 1946), para 2, F128/23-1, Kioa Island, Settlement of by Vaitupu Island, National Archives of Fiji.

⁹³ Memo from H Cooper (for Colonial Secretary) to the Secretary, Western Pacific High Commission (14 June 1946), F128/23-1, Kioa Island, Settlement of by Vaitupu Island, National Archives of Fiji.

⁹⁴ Bedford (n 12) 86.

⁹⁵ Interview with Siapo Paka, who was part of the original relocation (Kioa, 26 October 2012); interview with Lemelu Alexander (Kioa, 26 October 2012).

⁹⁶ Interview with Kioa Chairman (n 82).

⁹⁷ RD Bedford, 'Resettlement of Ellice Islanders in Fiji' (1968) 5 *Auckland Student Geographer* 49, 51.

⁹⁸ *Ibid.*, 55.

⁹⁹ Interview with Siapo Paka (n 95); interview with Lemelu Alexander (n 95).

¹⁰⁰ Report by Mafalu Sakaio (Vaitupuan civil servant in the Cooperative Societies Department) to the Registrar of that Department (RCS 10.49, 131, 4 September 1968), cited in Koch (n 11) 95.

¹⁰¹ Letter from District Officer Cakaudrove to Commissioner Northern Division (CS 9/24/3, 422, 19 January 1967), cited in Koch (n 11) 99.

¹⁰² See Bedford (n 97).

Kioa. Five acre blocks would be rented to the Kioans, and once one block was cleared and planted, another could be acquired. Without formal leases, however, the Kioans quickly abandoned the scheme because it did not provide the security they sought.¹⁰³ In 1972, the island was subdivided by the Fiji government, but the shares were not in equal parts.¹⁰⁴

Interestingly, the years of resistance and unwillingness to work the island do not feature in the official histories recounted on Kioa Day, which commemorates the arrival of the first settlers from Vaitupu in October 1947. The Kioan self-story is one of pioneering and survival, and the idea of communal endeavour, originally stipulated by the family heads' directive to 'work as one',¹⁰⁵ is now embraced as the hallmark of the Kioan resettlement – despite previously being a source of tension. On Kioa Day, people wear floral wreaths on their heads representing unity: no matter how many different flowers are bound together, they are ultimately one, like the people of Kioa. Bedford singles out Kioa as the only 'successful' community-led resettlement,¹⁰⁶ despite the conflicting expectations of the family heads and the settlers over many years.

Consent

Pacific islanders today emphasize the importance of learning lessons from past experience to inform future responses and policies.¹⁰⁷ At a 2013 regional consultation in the Cook Islands, held by the Nansen Initiative on Disaster-Induced Cross-Border Displacement, an elderly Banaban woman's recollection of her relocation to Fiji as an eight-year-old child revealed the on-going trauma of displacement when it is not properly planned.¹⁰⁸ Participants at the consultation noted that normative frameworks to address the protection needs of displaced or relocated populations must 'take into account lessons from past experience and incorporate existing good practices from the Pacific Island countries.'¹⁰⁹

According to Connell, wherever relocation has occurred in the Pacific, social tensions have followed.¹¹⁰ Typically this has been expressed through local opposition and resentment towards the relocated group, with particular concerns about access to land, resources (eg food and water security, education, healthcare) and jobs.¹¹¹ While this has been especially marked when resettlement has occurred across cultural boundaries (even when internal),¹¹² even land transfers within a single cultural area have proven to be 'complex and challenging.'¹¹³

There is now widespread recognition that relocation should only occur with the free and informed consent of the communities concerned. They should be fully informed of the reasons and procedures of movement, be able to propose alternatives to relocation that

¹⁰³ Ibid, 55. Most of this paragraph is drawn from Bedford. See also Koch (n 11) 89–100.

¹⁰⁴ Interview with Kioa Chairman (n 82).

¹⁰⁵ Bedford (n 97) 51.

¹⁰⁶ Ibid, 49.

¹⁰⁷ Nansen Initiative Pacific Report (n 18) 16.

¹⁰⁸ Ibid, 22.

¹⁰⁹ 'Conclusions: Nansen Initiative Pacific Regional Consultation' in *ibid*, 8.

¹¹⁰ Connell 2012 (n 9) 138.

¹¹¹ Ibid, 135–37. For instance, many Solomon Islanders viewed Gilbertese settlers as having taken 'their' land and jobs: see Knudson (n 13) 223, cited in Connell 2012 (n 9) 136. See also Patrick Matbob, 'Politics: Waiting and Waiting Three Years After' (2007) 33(7) *Islands Business* 28.

¹¹² Connell 2012 (n 9) 136.

¹¹³ Ibid.

authorities ‘should duly consider’,¹¹⁴ and be compensated for any losses.¹¹⁵ Consent is not the same as consultation and participation, but they are necessary precursors. ‘Consultation’ refers broadly to the process of soliciting and listening to the opinions and perceptions of affected populations, while ‘participation’ implies a deeper engagement that may include control over decision making.¹¹⁶

The degree to which the Banabans gave informed consent to their ultimate move to Rabi remains contested.¹¹⁷ Based on my observations and interviews, it has in some respects become irrelevant: the founding myth of Rabi, built upon a narrative of deceit and injustice, has potency to this day.¹¹⁸ At its heart lies a complex story about loss of homeland, deprivation of resources, and the destruction of identity. The three are intertwined: while people feel a visceral and spiritual connection to their original home island, Ocean Island, even though most have never been there, the loss of home is not just about loss of place and personality. It is – at its heart – about the loss of self-determination. ‘Home’ is not just an emotional or esoteric construct, but incorporates land, rights, sovereignty and power – the power to shape one’s destiny.

The Banabans’ perceived absence of agency in determining their fate is key. Although, at least formally, the Banabans were consulted both about the initial relocation and subsequent repatriation to Ocean Island, there is a sense in which this was merely mechanistic. Donald Kennedy, who met with the Banabans prior to their relocation to Rabi, explained that he regretted having opened each meeting with the statement that ‘no person would be forced to go to Rabi against his will’, although he had noted that those who chose not to go would have to fend for themselves in the Gilbert Islands (as they had done during the war).¹¹⁹ The picture he painted of Ocean Island left little hope in anyone’s mind that return was actually feasible. As Major Holland’s account above illustrates, whenever the Banaban community raised

¹¹⁴ Basic Principles and Guidelines on Development-Based Evictions and Displacement, Annex 1 of the Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, UN Doc A/HRC/4/18 (2007), para 38.

¹¹⁵ Guiding Principles on Internal Displacement, UN Doc E/CN.4/1998/53/Add.2 (11 February 1998), Principle 7(3); ILO Convention No 169 on Indigenous and Tribal Peoples, art 16(2); United Nations Declaration on the Rights of Indigenous Peoples, UN Doc A/61/L.67, Annex, of 7 September 2007, art 10 (see also art 8(2)(b)); Guidelines relating to safeguarding human rights in forced evictions are also relevant and practical: Basic Principles and Guidelines on Development-Based Evictions and Displacement, Annex 1 of the Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, UN Doc A/HRC/4/18 (2007), esp paras 56(e), (h), (i), 60.

¹¹⁶ See generally The Brookings–Bern Project on Internal Displacement, *Moving beyond Rhetoric: Consultation and Participation with Populations Displaced by Conflict or Natural Disasters* (October 2008) http://www.brookings.edu/~media/Research/Files/Reports/2008/10/internal%20displacement/10_internal_displacement.PDF.

¹¹⁷ Letter from H Vaskess, Secretary, Western Pacific High Commission to GK Roth, Esq (5 December 1945), para 8, WPHC 6, CF 48/5/2 vol I. Indeed, as Teresia Teaiwa (n 10) 134 (fn omitted) has noted: ‘The history of the Banabans – now Rabi Islanders – is quite fiercely contested within the Banaban community, and between Banabans and “outsiders”. From the Banaban perspective, their history is often constructed emotively, with emphasis on the loss and tragedy of displacement as well as the yearning either to return to the homeland or be justly compensated for the destruction to their island caused by colonial phosphate mining.’

¹¹⁸ Richard Posnett, sent to Rabi in 1977 by the UK Minister of State at the Foreign and Commonwealth Office (UK), scathingly described the Banabans as ‘obsessed, somewhat like the Palestinians or the North American Indians, with the legend of their displacement. ... The exaggerations and distortions of history have grown with time to become part of a folk-memory and it is no longer possible for the Banabans to distinguish fact from myth’: RN Posnett, *Ocean Island and the Banabans: A Report to the Minister of State for Foreign and Commonwealth Affairs* (1977) 29–30.

¹¹⁹ Major Kennedy, Progress Report on Banaban Settlement: 23rd October, 1945 to 20th January, 1946, para 5, WPHC 6, CF 48/5/2 vol II.

doubts or concerns, they were listened to with sympathy but were inevitably countered – either by reassurances to the contrary, or by raising possible (sometimes purely speculative) problems that might flow from a decision to go home.

Identity and belonging

Today, the Kioan attitude to resettlement is generally a positive one. In my interviews, people described having two homes – Kioa, the homeland, and Vaitupu, the motherland. Many identify as both Fijian and Vaitupuan, although interestingly, the only surviving person from the original resettlement describes herself as Fijian.¹²⁰ Formally, Kioans are citizens of Fiji,¹²¹ and unlike the Banabans, they do not have any special constitutional status in the country of origin.¹²² The fact that today they refer to themselves as ‘Kioans’ (after their ‘new’ home), may reveal something interesting about their relocation to Fiji and their perceptions of identity and belonging. Since Vaitupu continues to sustain a large community, and many still have land and relatives back there and have visited several times,¹²³ there is perhaps more of an openness towards adopting two identities.

While the Banabans also say they have two homes, their relationship with Kiribati, in which Ocean Island is located, remains fraught. Attitudes towards Kiribati are splintered and complex. Most Banabans do not regard themselves as I-Kiribati and regard that country as having wrongfully profited from ‘their’ island, receiving 85 per cent of the phosphate profits while they received 15 per cent. As the current Opposition Leader in Kiribati told me: ‘We are sort of caught in between’, and some Banabans, particularly older people, ‘still have that feeling that they’ve been cheated and the Kiribati government has benefited from that.’¹²⁴ This despite the fact, in his view, that ‘the Banabans are better off being in Rabi than the average Kiribati person in Kiribati now.’¹²⁵ The socio-economic problems they do face are linked more to their geographical location on an outer island than discrimination, although anecdotally there is some discrimination in cultural rather than political contexts, such as involvement in national sport.

In 1948,¹²⁶ and again as the process of decolonization took hold in the Pacific in the 1960s and 70s, the Banabans called for independence, albeit without success. Mostly they sought independence for Ocean Island, but in the lead-up to Fiji’s independence, they also called for autonomy over Rabi. Joy and Prosser, who were sent to examine Rabi’s economic potential, concluded that the Banabans’ ‘attitude of independence’¹²⁷ was less about complete sovereign independence, and more about their desire to retain their own socio-political identity.¹²⁸

¹²⁰ Interview with Saipo Paka (n 95).

¹²¹ Of course, an individual may qualify independently for Tuvaluan citizenship by descent or marriage, but this is not by virtue of being Kioan: see Constitution of Tuvalu, ss 45, 46. Dual citizenship is permitted: s 47(1)(c).

¹²² Interview with Kioa Chairman (n 82).

¹²³ Interview with Loto Fiafia, Kioa Island Council (Kioa, 26 October 2012). The Council helps to arrange annual visits to Vaitupu for the young people.

¹²⁴ Interview with Tetaua Taitai (Kiribati, 11 September 2013).

¹²⁵ Ibid.

¹²⁶ The Banabans petitioned unsuccessfully for the Rabi Island Council to administer both Ocean Island and Rabi: see *Tito v Waddell* (n 21) 192–93.

¹²⁷ JL Joy and ARG Prosser, *Report of a Mission to Rambi Island Fiji: August 1967* (Ministry of Overseas Development, November 1967), 35, FCO32/415 Fiji: Economic Affairs (Internal): Rabi Island: Development Aid For, The National Archives (Kew, UK).

¹²⁸ Ibid, 36.

In 1968, the Banabans presented a submission to the British government arguing that they should be granted independence pursuant to the UN Declaration on the Granting of Independence to Colonial Countries and People,¹²⁹ and in 1968 and 1974, they petitioned the UN Committee of 24 (on decolonization) to that end.¹³⁰ They argued that they had maintained their ‘separate identity and culture’ on Rabi against ‘all the odds’, and stressed that it could ‘only be preserved and strengthened in the future’ were they to regain their ‘homeland’.¹³¹ They said that they felt like ‘an alien community in Fiji’ and would have greater security were Ocean Island independent.¹³² Different models for independence were proposed over time: from trusteeship through to complete independence,¹³³ or the possibility of Ocean Island becoming a State in free association with Fiji or Kiribati.¹³⁴

The British government stated that there was nothing to justify a departure from its ‘long-established and widely accepted policy’ that ‘the principle of territorial integrity’ and ‘the wishes of the people as a whole within the existing boundaries should be the main guide’ to decolonization.¹³⁵ Nevertheless, it believed the Banabans’ ‘special interests and concerns’

¹²⁹ In a submission presented to the British government, the Banabans argued that they should be granted independence pursuant to the UN Declaration on the Granting of Independence to Colonial Countries and People (UNGA res 1514 (XV) and 1541 (XV)): see Rabi Island Council, ‘Submission presented to Her Majesty’s Government at Negotiations in London, United Kingdom’ in *The Ocean Island Phosphate Discussions* (n 52).

¹³⁰ UN General Assembly, Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, Two Petitions on Behalf of the Rabi Island Council for the Banaban People Concerning Gilbert and Ellice Islands, UN Doc A/AC.109/PET.967 (9 May 1968); The Petition of the Banaban People to the United Nations Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (1974), para 39, GEIC Secret SG 6/4, vol II (May 1974), Constitution – Constitutional Position and Future of Ocean Island, National Archives of Kiribati.

¹³¹ 1974 Petition (n 130) para 39. Silverman states: ‘What was believed to have been happening on Nauru gave shape to the idea of Banaban autonomy which was being tested out. ... They regard their own original situation as identical with that of the Nauruans; anything the Nauruans get, they should get too’: Martin G Silverman, *Disconcerting Issue: Meaning and Struggle in a Resettled Pacific Community* (University of Chicago Press, Chicago, 1971) 191.

¹³² Record of a meeting between the Parliamentary Under-Secretary of State and a Delegation representing the Banabans Leader at the Foreign and Commonwealth Office (17 September 1974), para 9, GEIC Secret SG 6/4, vol I (June 1973 to April 1974), Constitution – Constitutional Position and Future of Ocean Island, National Archives of Kiribati.

¹³³ Ocean Island: Opinion (14 December 1973), 2, GEIC Secret SG 6/4, vol I (June 1973 to April 1974), Constitution – Constitutional Position and Future of Ocean Island, National Archives of Kiribati. It is very difficult to decipher the author: it is a barrister from Lamb Building, Temple, London.

¹³⁴ House of Commons Debates (24 May 1979) vol 967 c 1277 (Sir Bernard Braine). See also House of Lords Debates (14 June 1979) vol 400 c 791 (Lord Brockway). This was proposed as a compromise by the Prime Minister of Fiji, Ratu Mara, at a meeting on 15–17 May 1979. Two years earlier, Dr Owen had raised the prospect of a ‘special autonomous’ position, which ‘could include an Ocean Island Council, elected fully by the Banabans, as the local government of Ocean Island, representation in the Gilberts House of Assembly, Gilbertese citizenship if the Banabans wished and the Government of Fiji agreed, special guarantees for Banaban rights on Ocean Island and for their share of the remaining phosphate revenue, and safeguarding all the Banabans’ interests in the Ocean Island phosphate industry.’ See House of Commons Debates (27 May 1977) vol 932 c 1764 (Dr Owen).

¹³⁵ *Report of the Gilbert Islands Constitutional Conference* (London, November/December 1978), 1978–79 Cmnd 7446, Misc No 1 (1979) (House of Commons Parliamentary Papers Online), 5. The Gilbert Islands delegation was adamant that separation was totally unacceptable. Lord Goronwy-Roberts (Chair) also referred back to similar remarks by Lord Shepherd in 1968 in the context of *The Ocean Island Phosphate Discussions* Phosphate Discussions (n 52) 5. See also Confidential Cabinet (Defence and Overseas Policy Committee), Gilbert Islands Independence: Memorandum by the Lord Privy Seal (10 May 1979), Annex I: ‘Future Status of Banaba, Citizenship and Financial Arrangements’, para 1, FCO 107/73 Gilbert Islands Legislation and Bill

should be ‘safeguarded to the fullest extent possible within the sovereignty of the Gilbert Islands State’,¹³⁶ and welcomed the latter’s offer to provide a ‘specially privileged constitutional status for Banaba and the Banabans, within a sovereign independent Gilbert Islands State.’¹³⁷ In particular, it was considered important that the Constitution give effect to the safeguards set out in the 1947 Statement of Intentions to ensure that the Banabans retained the right to enter and reside on Ocean Island, and protect their rights to the land.¹³⁸

Chapter IX of the Constitution of Kiribati thus establishes a special status for the Banabans. It secures their land rights and interests on Ocean Island and preserves their right to enter and reside in Kiribati.¹³⁹ It stipulates that two positions in the Kiribati Parliament must be reserved for the Banabans, who do not have to be citizens of Kiribati.¹⁴⁰ They have a power of veto over any proposed amendments to the Banaban provisions in the Constitution.¹⁴¹ As persons of I-Kiribati descent,¹⁴² Banabans are entitled to acquire citizenship by registration¹⁴³ and are permitted to hold dual nationality.¹⁴⁴ To my knowledge, such constitutional protections are unique.¹⁴⁵

Until recently, the Banabans had special rights under section 178 of the Fiji Constitution, which entrenched the *Banaban Lands Act* and the *Banaban Settlement Act*.¹⁴⁶ However, the new 2013 Constitution has removed the constitutional protections for the Banabans – ostensibly on the basis of Fijian unity – and the Banaban statutes can now be amended or repealed like other legislation.¹⁴⁷ The Prime Minister of Fiji’s view that the new Constitution

(1979), The National Archives (Kew, UK); Telegram from Tarawa to FCO (26 November 1974), GEIC Secret SG 6/4, vol II (May 1974), Constitution – Constitutional Position and Future of Ocean Island, National Archives of Kiribati, referring to a motion passed by the House of Assembly in the Gilbert Islands ‘utterly reject[ing]’ any claim that Ocean Island should be independent.

¹³⁶ *Report of the Gilbert Islands Constitutional Conference* (n 135) 5.

¹³⁷ *Ibid.*, 4.

¹³⁸ *Ibid.*, 6.

¹³⁹ Constitution of Kiribati, s 119. A Banaban seeking to enter Kiribati is given a letter from the Rabi Council of Leaders stating that they are of Banaban descent’: Interview with Marlie Rota, Executive Director, Rabi Council of Leaders (Rabi, 24 October 2012).

¹⁴⁰ Constitution of Kiribati, ss 117, 118; see also ss 56(1)(a) and (3).

¹⁴¹ Constitution of Kiribati, s 124.

¹⁴² Constitution of Kiribati, s 29(1)(a): ‘a person one of whose ancestors was born in Kiribati before 1900’.

¹⁴³ Constitution of Kiribati, s 23. In Kiribati Cabinet papers, it is expressly stated that this provision would cover a child born on Rabi, with Fijian citizenship, with parents born in Banaba expressly referenced: Secret, ‘Proposed Citizenship (Amendment) Act and Proposed Citizenship (Amendment) Regulations’, Cabinet Memorandum No 100/81 (8 September 1981), Kiribati National Archives.

¹⁴⁴ Constitution of Kiribati, s 24. A naturalized citizen who is not of I-Kiribati descent must renounce their other nationality. The Constitution of Fiji (2013), s 5(4) permits dual nationality.

¹⁴⁵ In 24 per cent of Commonwealth countries, a foreign Commonwealth citizen is eligible to stand for office in the UK, but often this right is not matched by a right of entry to the UK. Only a Commonwealth citizen with indefinite leave to remain can stand for office in the UK. Indefinite leave can be required in various ways, most of which require a person to stay in the UK for a period of time, or sustain some longstanding connection with the UK. Certainly, unlike the Banaban/Kiribati situation, there is no dedicated seat for a Commonwealth citizen in the British Parliament. See further Tendayi Bloom, ‘Contradictions in Formal Commonwealth Citizenship Rights in Commonwealth Countries’ (2011) 100 *The Round Table: The Commonwealth Journal of International Affairs* 639, 639; Electoral Administration Act 2006.

¹⁴⁶ See Gil Marvel Tabucanon, ‘The Banaban Resettlement: Implications for Pacific Environmental Migration’ (2012) 35 *Pacific Studies* 343, 359–60.

¹⁴⁷ Citizens’ Constitutional Forum, *An Analysis: 2013 Fiji Government Draft Constitution* (26 March 2013) 20, http://www.c-r.org/sites/c-r.org/files/Fiji_govtDraftconstitution2013_CCF_analysis.pdf.

provides ‘greater protection and security for ... Banaban land than ever before’¹⁴⁸ is difficult to reconcile with section 28(5), which provides that the ‘ownership of all Banaban land shall remain with the customary owners of that land and Banaban land shall not be permanently alienated, whether by sale, grant, transfer or exchange, except to the State in accordance with section 27.’ The term ‘customary owners’ is not defined, and while it may have been a drafting error incurred by hasty cutting and pasting (as suggested to me by someone involved in the Constitution-making process), it is clear that the provision offers no protection against the Fiji government compulsorily acquiring Banaban land for a ‘public purpose’.¹⁴⁹ It essentially makes the Banabans tenants-at-will of the State.

While few Banabans identify with Kiribati, neither do they feel Fijian, despite being citizens of Fiji. A recurring theme about identity in interviews was: ‘I am Banaban. Because I am in Fiji I am Fijian, but I am Banaban.’¹⁵⁰ Many expressed gratitude towards Fiji for ‘hosting’ them, implying that they perceived themselves as outsiders.

In his 2012 submission to the Fiji Constitutional Commission, the former Rabi representative in the Parliament of Kiribati, David Christopher (who was later also an MP in the Fiji government), explained that

the word Fijian is associated with race, with the race of the indigenous community of Fiji. Banaba is an island in the central Pacific Ocean. The indigenous community on Banaba are called the Banabans. I am a descendant of the indigenous community on Banaba and I call myself a Banaban. I find it difficult and most uncomfortable to call myself a Fijian as I was not a Fijian and will never be a Fijian.¹⁵¹

‘Identity’ was at the heart of claims for Banaban sovereignty. It resulted in protracted debates in British parliament and the UN Committee of 24 about the ethnography of the Gilbert Islands vis-à-vis Ocean Island that risked delaying independence for Kiribati.¹⁵² While the British rejected the Banaban claims of distinctiveness, some people have argued that relocation has actually ‘reinforced the separate identity of the Banaban people.’¹⁵³ Indeed, Pacific scholar John Connell suggests that most resettlement of Pacific island communities ‘has enhanced rather than diminished the retention of island identities in the face of difference’.¹⁵⁴ Arguably, the experience of dislocation – the physical severance of the

¹⁴⁸ Fijian Government, ‘Blueprint for a Better Fiji: The 20113 Constitution is Unveiled’ (22 August 2013) (press release) <http://www.fiji.gov.fj/Media-Center/Press-Releases/BLUEPRINT-FOR-A-BETTER-FIJI---THE-2013-CONSTITUTIO.aspx>.

¹⁴⁹ Constitution of Fiji (2013), s 28(6).

¹⁵⁰ Interview with Naomi Christopher (n 3); interview with Tebwebwe Teai (Rabi, 24 October 2012).

¹⁵¹ Interview with David Christopher (Rabi, 23 October 2012).

¹⁵² See eg House of Lords Debates (19 February 1979) vol 398 cc 1597–1602 (Minister of State, Foreign and Cth Office, Lord Goronwy-Roberts).

¹⁵³ Letter from Sir Bernard Braine to the Rt Hon James Callaghan MP, Secretary of State for Foreign and Commonwealth Affairs, London (10 February 1975), 2, GEIC Secret SG 6/4, vol III (21 December 1974), Constitution – Constitutional Position and Future of Ocean Island, National Archives of Kiribati.

¹⁵⁴ Connell 2012 (n 9) 139. Kempf argues that by re-creating their four original villages, the Banabans ‘transferred spatial structures from their island of origin to their new Fijian island of Rabi; further, that their intention, in so doing, was to underline a claim to ownership of both islands’: Wolfgang Kempf, ‘Translocal Entwinements: Toward a History of Rabi as a Plantation Island in Colonial Fiji’ (Institut für Ethnologie, Universität Göttingen, 2011) 27 <http://webdoc.sub.gwdg.de/pub/mon/2011/kempf.pdf>. On Banaban identity, see also Wolfgang Kempf and Elfriede Hermann, ‘Reconfigurations of Place and Ethnicity: Positionings, Performances and Politics of Relocated Banabans in Fiji’ (2005) 75 *Oceania* 368.

link to place and home – intensifies the desire to preserve (and forge) a collective identity.¹⁵⁵ The maintenance (and ongoing manifestation) of a distinct identity of the relocated group may also be enhanced by the existence of ‘an opposing ethnic group’.¹⁵⁶ This may forge a solidarity that might not exist but for the relocation.

In formal terms, the Banabans have traditionally had a high degree of autonomy within Fiji. While the Rabi Council of Leaders is subject to the ultimate control of the Fijian government, in practice it ‘has maintained a large degree of autonomy and has acquired freedom from supervision in [its] affairs.’¹⁵⁷ By contrast, Kioa’s island council has no elevated status in Fiji: it operates like any other island council in that country.¹⁵⁸

Nevertheless, such safeguards alone cannot overcome negative individual and community perceptions and experiences of relocation. If groups feel disenfranchised, then however superior the built-in safeguards, they will remain unsatisfied. Even though everyone I interviewed on Rabi and Kioa recognized that everyday life was better in Fiji,¹⁵⁹ the Banaban story remains marked by a history of injustice. One interviewee described a ‘psyche’ of injustice that has been ‘burned into our memories’,¹⁶⁰ hampering the community’s ability to move forward. Banaban scholar Katerina Teaiwa argues that this has caused a ‘vast generation gap between younger people who are more interested in surviving on Rabi and elders who continuously bring up Banaba issues.’¹⁶¹

Conclusion

Founding narratives, irrespective of the truths or otherwise that they tell, are fundamental to the creation of identity, past and future. Whether or not relocation is forced or voluntary has a major impact on the self-story and identity of the community.

It may be that the poignancy of the Banaban story fades with time – indeed, many older people expressed fears that it was already starting to disappear. How much of this is an

¹⁵⁵ As Connell puts it, ‘[t]his longing for home distinguishes so much involuntary and collective resettlement from individual and household migration’: *ibid.* As has been noted elsewhere, there is generally a greater loss of social networks where families are dispersed, rather than relocated in groups and social units: Michael M Cernea, ‘Risks, Safeguards, and Reconstruction: A Model for Population Displacement and Resettlement’ in Michael M Cernea and Christopher McDowell (eds), *Risks and Reconstruction: Experiences of Resettlers and Refugees* (The World Bank, Washington DC, 2000) 30.

¹⁵⁶ Lieber (n 8) 360 referring to Alan Howard and Irwin Howard, ‘Rotumans in Fiji: The Genesis of an Ethnic Group’, in Lieber (ed) (n 8). On the political construction of Banaban identity through dance, see Katerina M Teaiwa, ‘Choreographing Difference: The (Body) Politics of Banaban Dance’ (2012) 24 *The Contemporary Pacific* 65, 78–89.

¹⁵⁷ Joy and Prosser (n 127) 34. In practical terms, there has been much financial mismanagement and corruption over the years. In mid- 2013, the Prime Minister’s Office appointed an interim administrator because the Council had failed to meet targets set by the government in relation to works to be carried out on the island: ‘Rabi Island Council Dissolved’, *Islands Business* (27 June 2013)

<http://www.islandsbusiness.com/news/fiji/1605/rabi-island-council-dissolved/>.

¹⁵⁸ Interview with Kioa Chairman (n 82).

¹⁵⁹ “I love it here because it is easy to plant crops like potato and tapioca and we have more land here to live on.”: Old lady (21 October 2012); ‘We live a good life, plenty fruits and plenty fish. Everywhere you go there is many food. There is nothing in Banaban’: interview with Tebwebwe Teai (n 150).

¹⁶⁰ Father Taaremon (Suva, 16 October 2012). Writing in 1977, Binder described ‘an Ocean Island-backwards-looking, shut-in life on Rambi’ in which people were ‘[a]lways directing their thoughts back to an increasingly unreal Ocean Island homeland’: Binder (n 65) 113.

¹⁶¹ Katerina Teaiwa, ‘Banaban Island: Paying the Price for Other Peoples’ Development’ (2000) 1 *Indigenous Affairs* 38, 42.

inevitable part of globalization (and indeed something that was already happening on Ocean Island in the mining days, and which happens today with considerable intermarriage on Ocean Island between I-Kiribati and Banabans), is irrelevant to the founding myth. It continues to shape the interaction between the generations in society, and formal structures of governance.

One does not have to make too many mental leaps to imagine how a similar story of injustice could rapidly develop if resettlement from small island States in the context of climate change were to occur without extensive consultation, negotiation and compensation. Certainly, climate change will exacerbate existing vulnerabilities in small island States and act as a tipping point, interacting with and exacerbating pre-existing pressures such as overcrowding, environmental fragility, poor development practices and resource scarcity. That said, Pacific island countries have been lobbying their neighbours for decades for enhanced migration opportunities, given resource and job scarcity in those States.¹⁶² Nevertheless, it is probable that this history, combined with the complex causality of displacement (climate change *interacting with* other factors), will be overlooked if groups feel *forced* to relocate. The element of coercion is likely to entrench a discourse and mindset of victimhood and injustice. The Banaban experience shows the problem of lack of full and participatory consultation and knowledge, when a ‘crisis’ is used to ‘force’ movement. It is imperative that if group relocations are considered, then the rights of affected groups (both in the sending and receiving countries) are carefully addressed, and the status of the relocated group in the new country meticulously planned.

On the one hand, group relocation enables a community to continue elsewhere, in a way that individual migration does not. On the other hand, shifting people from one place to another raises a host of questions, which the Rabi example shows may remain unresolved for decades. While naturalization and citizenship are important from a legal perspective, and in practical terms facilitate access to services, from the perspective of those who move they are little more than formalities. Over time, the acute sense of loss wanes as those who directly experienced the move become fewer, and the relocated group becomes a large diasporic community. A relocated community with organizational structures also facilitates representation and advocacy in a way that ordinary diasporic communities cannot.

The Banaban relocation demonstrates the enduring centrality of such matters as the right to self-determination, self-governance, the preservation (and politicization) of identity and culture, and the right to control resources. It also raises questions about consent, authority and participation, which go to the heart of who decides, and what gets decided. While these are often described as the procedural human rights, they can be determinative of the enjoyment of substantive human rights.

There remain considerable political sensitivities about the Banaban case and how it might be used in contemporary discussions about relocation. From the Banaban perspective, the relocation demonstrates the problems that can extend across generations if relocation is not a consensual, consultative and planned process.¹⁶³ For Kiribati, there is a risk that highlighting the Banaban experience could be seen as another form of exploitation – an instrumental attempt to highlight the I-Kiribati’s plight and need for solutions – or even provide a leverage

¹⁶² Jane McAdam, *Climate Change, Forced Migration, and International Law* (Oxford University Press, Oxford, 2012) 31–36; John Connell, *Islands at Risk? Environments, Economies and Contemporary Change* (Edward Elgar, Cheltenham, 2013).

¹⁶³ Nansen Initiative Pacific Report (n 18) 22.

point for compensation.¹⁶⁴ Neither group can afford to draw attention to any shortcomings on Rabi itself. The sense I had from interviews and other discussions was that the Banabans are reluctant to create trouble for their Fijian ‘hosts’ (and fear they may lose access to scholarships and other economic benefits if they do); and the government of Kiribati needs Fiji’s cooperation for future land acquisitions and possible migration opportunities. It would not be politically smart for Kiribati to talk about the negative impacts of the Banaban resettlement.

If the relocation of other Pacific islanders is ultimately necessary, there will be parallels in relation to what it means to retain control over an empty homeland, what the on-going relationship is with that territory, whether they can still exploit maritime rights (if the territory itself disappears), how to govern two homes, what it means to have a new home in another State, how issues of identity are negotiated, and whether this can be seen as an asset (as might be argued for Kioa) or as a loss (for Rabi).

At the Nansen Initiative Pacific consultation in the Cook Islands in 2013, participants expressed concern that any future ‘cross-border relocation may negatively impact on nationhood, control over land and sea territory, sovereignty, culture and livelihoods.’¹⁶⁵ They concluded that processes must be in place to ensure that:

- affected communities are informed, consulted and able to participate actively in relevant decisions and their implementation;
- basic services, adequate housing, and access to livelihoods without discrimination are available for relocated people in the receiving community;
- adequate mechanisms and/or safeguards are in place to prevent and solve conflicts over land and resources due to factors such as cultural diversity or population growth.¹⁶⁶

Resettlement across borders must include – but also go beyond – the establishment of formal institutions like governance bodies and citizenship, such that the group can maintain, as well as carve out in the new environment, an identity; have access to the same entitlements as others; and also understand themselves as having a dual identity which has political and cultural relevance in both settings. Leaders will play an important role, not just in negotiating such entitlements, but also in constructing narratives and understandings of the move.¹⁶⁷

¹⁶⁴ ‘Banabans Maintain Calls for Compensation’, Radio New Zealand International (2 September 2013) <http://www.radionz.co.nz/international/programmes/datelinepacific/audio/2567617/banabans-maintain-calls-for-compensation>: ‘even Kiribati was actually involved in the destruction of the homeland. ... At the end of the day Kiribati was given 85% of the tax money, instead of 15%, and they give us 15%. Everything was changed around for the benefit of the Kiribati colony which England did not look after at that time. ... So they’re all involved in it together, whether Kiribati pays for it or the British government pay for it, we don’t care as long as our people are compensated’.

¹⁶⁵ ‘Conclusions: Nansen Initiative Pacific Regional Consultation’ in Nansen Initiative Pacific Report (n 18) 6.

¹⁶⁶ *Ibid.*, 7.

¹⁶⁷ As former Resident Commissioner of the Gilbert and Ellice Islands Colony, Harry Maude, observed in relation to the Phoenix Islands resettlement: ‘the transplantation of a native community from their ancestral homes to a new land cannot be successfully accomplished by secretariat direction, but only by enthusiasm and an absolute trust between the leaders and those who follow. ... I have yet to learn, however, of a venture which did not, in the long run, depend for its success on the twin factors of leadership and affectionate trust’: Maude (n 12) 63.