

Essentially Being Banaban in Today's World: The Role of Banaban Law "TE RII NI BANABA" (*Backbone of Banaba*) In A Changing World

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ABSTRACT

How can Banabans safely embrace this new century and at the same time achieve the goal of self-determination while still upholding their heritage? This study focuses on Banaban culture as the foundation of ethnic identity. For centuries Banabans have utilized their system of traditional law known as "Te Rii Ni Banaba" (*The Backbone of Banaba*) to settle clan disputes in regard to land ownership, genealogy and roles within Banaban society. By analyzing the past and present fragmentation of Banaban civilization during Colonial rule, WWII and exile of the people to Rabi Island, this paper identified the current problems that have to be addressed to ensure cultural and ethnic survival in today's fast changing world. It highlights the history, oral traditions and the origins of the Banaban people. It also focuses on the strength and determination of the Banabans to uphold their identity while under the governance of two Pacific nations, Fiji and Kiribati. Now as the young Banaban generation is taught under the system of western education the study describes the importance and onus of responsibly the clan spokesman has to ensure ethnic survival in the years ahead. The preservation of Banaban cultural law and its implementation into today's systems of introduced western administration was studied and found vital in aiding the community in its social, political and economic development. This study concludes that the strength of the Banabans lies within, with culture, customs and traditions as the core of their unity. It is only through unity that the Banaban community can move forward with one voice to seek justice for their past and to safeguard build a much better future.

This paper is being written at a time in Banaban history where much change and development is needed in not only a physical sense but also in thinking and outlook if the Banaban people are to retain their ethnic identity over the next century. This change can only come about with education that will not only broaden thinking and introduce new ideas, but also lead to opportunities and prosperity for the future. But change can also be fraught with dangers that could totally change or alter Banaban life and especially cultural practices that have made the Banabans a unique Oceanic people. How then can Banabans safely embrace this new century and at the same time retain their dreams of self-determination and upholding of ethnic identity in this new millennium? For centuries the Banabans had based the rearing and education of their children on traditional learning passed on by each generation of revered elders within immediate family or broader community as a whole. The knowledge they taught was the basic and essential skills needed for continued survival. They lived in a complex and disciplined society under a system of inherited roles and duties that intrinsically revolved around land and family heritage, known as the cultural law of *ti rii ni Banaba* (the backbone of Banaba). Over the centuries the Banabans would withstand invasions, famine, drought, disease, war, mining and eventual forced removal and resettlement in Fiji, yet through all this adversity their will and struggle to survive has been supported by their rich heritage and culture from their homeland.

Today Banabans face new pressures as poverty has made the daily struggle for survival all consuming and they look to educating their children under the much revered western system of learning in the hope of providing a better life for their children. At the same time it is essential for Banabans not to devalue traditional learning in the quest for modern education but to build workable programmes that will protect and support Banaban traditions. The inherent strengths and weaknesses within Banaban society must be identified and utilized to best assist the community today living as a displaced and uprooted minority people under the governance and laws of two separate Pacific nations. Banabans must allow their physically-able youth to power their canoe, while their elders stabilise the country and navigate their course. Young Banaban people have keen vision, to seek and select new and effective ideas to ensure a successful future, but for this new growth to maintain the essence of Banaban culture it will be dependant on the wisdom, strength and endurance passed down by Banaban ancestors.

Abara Banaba – Our homeland Banaba

The once beautiful and lush island of Banaba was the ancestral home of a remote and isolated Oceanic people called the Banabans, situated almost on the equator; latitude 0.50 south, longitude 169.530 east and consisting of 595 hectares. The closest neighboring island, Nauru situated 180 kilometres away to the south west. Like every indigenous Pacific Islander their island home provided them with the only possession they valued most in life – their land. The Banabans believed that their ancestors were autochthones who were the first creators of Banaban culture, customs and traditions, and this belief of being at one with their land and heritage is intrinsic in the psyche of Banaban descendants today. In 1900 Albert Ellis discovered Banaba consisted of pure phosphate rock and the innocent and hospitable ways of the Banabans would soon be exploited resulting in not only the destruction of their land but the forced removal from their homeland. An injustice and

insurmountable loss that still remains deeply entrenched in the hearts and minds of every Banaban.

The Banabans

The origins of the Banaban people were traditionally recorded through oral history and the story telling of myths and legends, singing, chanting and dancing, a tradition that was passed down from generation to generation. The archaeological survey of te Aka village by R. J. Lampert in 1964 provided valuable evidence of the existence of te Aka, the indigenous population of Banaba and backed the Banaban claim that they had no Polynesian ancestry when skeletal remains were subjected to forensic examination (Lampert 1968:18; Sigrah & King 2001:35). Prior to Lampert's discovery, Pacific historians and archeologists described the 'old Banabans (who were deemed by the Banabans themselves to be of pure stock with no Gilbertese blood)' as a mixture of the 'long jawed and short jawed people' (Lampert 1965:3), 'small bodied, squat, crinkly haired, large eared and black skinned' (H.E. Maude 1932) of Melanesian origin (Grace 1964; Bellwood 1979; Irwin 1992; Grimble MS n.d. cited in Maude & Maude 1994:105; Sigrah & King 2001:27). It was not until the 1500s during the first invasion by the Auriaria clan from Gilolo in the East Indies that the Banabans (te Aka people) had their first contact from the outside world (Sigrah & King 2001:91). Up to this stage the Banabans believed, 'with discrete knowledge and self-contentment, te Aka clan regarded Banaba as the centre of the world. They had feelings of freedom and superiority at the very core of their awareness, forming the nucleus of being te Aka, the indigenous people of Banaba' (Sigrah & King 2001:26).

Te Rii Ni Banaba - the Backbone of Banaba

Te rii ni Banaba is the foundation of Banaban traditional law that is used as a guideline in everyday life to settle conflicts over land ownership, descendant heritage, inherited cultural roles and other moral issues within families, clans or community. This ancient structure of regulation is the core of Banaban ethnic identity and based of three major principles: 1. *Katea rikim!* Recite your genealogy! 2. *Tera taum?* What is your family's inherited role? 3. *Arana am Kainga!* Name your land! The Banabans believe that to earn respect in society, one has to be acquainted with all aspects of tradition and culture. To achieve this knowledge a person has to know their family's genealogy and the position and duty they inherited at birth, and therefore their identity within the complex structure of the Banaban clan system (Sigrah & King 2001:56). These three interlocking fundamentals of knowledge provide the key to Banaban identity which undisputedly connects to their land. Before the arrival of the Europeans the Banabans were a disciplined and structured community and even though the island was divided under separate districts representing family *kainga* (hamlets) and clans, the Banabans lived in harmony as one people. Today with most Banabans residing on Rabi, Fiji the principles of traditional law relating to *te rii ni Banaba* are still applied and relate entirely to the land and customs of the ancestral homeland.

Culture, Customs and Traditional

Banabans believe their culture originates from the ancient te Aka belief in sun and ancestral

worship, involving sacred relics such as ancestral skulls, and rituals based on the powers and skills of sorcery to evoke the spirits of their ancestors. Due to the sacredness of these beliefs the Banabans have set rules and protocols that they respect and classify as 'taboo' and sacred. In Banaban philosophy, to disobey these rules will invoke a curse. It was through this fear that the emphasis on the custom of respect evolved, mingled with the suspicion and fear these 'taboos' instilled in the minds of the people. It was because of these 'taboos' that the te Aka would become shrouded in secrecy and revered for their great skills in sorcery.



Figure 1.1: The importance of placement of roofing in *maneaba* structure

After the discovery of phosphate on Banaba the misinterpretation of traditional Banaban history began. One glaring example is Maude (1932) where important aspects of Banaban social organisation, especially in relation to sun worshiping, rituals, and ceremonial protocols were confused and incorrectly linked to the wrong clan and hamlets. His mention of 'the black folks', should refer to te Aka clan, but instead he has called them the Mangati clan. What he assumed to be the people of Tairua, was in fact the te Aka. In Banaban history there were no such people or place called Tairua, but the name is well known in Banaban history as the name of the battle fought between the indigenous te Aka clan and the invading Auriaria clan. The word *tairua* means foreigner (Sigrah & King 2001:92). Government officials such as Maude and Grimble would write reports back to the Colonial office in London as part of their work as Resident Commissioners in charge of phosphate mining on Banaba. Amazingly their work and future writings would become recognised as documented historical records that were being used to destroy Banaban ethnic identity while inadvertently aligning them to I-Kiribati culture. The Banabans believed it had been written more for the purpose of Colonial Government propaganda than an original historical reconstruction. Another major misinterpretation of Banaban history was in regard to Albert Ellis' original mining negotiations where he wrongly perceived he was dealing with a Banaban chief. Even though he would rectify his mistake at a later date he and other historians, especially Grimble and Maude, would endorse the theory of a Banaban chiefly system. Once again these historical accounts were solely based on a European system of governance and royal lineage, and not one at all recognised or accepted by the Banabans. Banaban traditional society was structured according to genealogical lineage based on a patriarchal clan system.

The society was governed by clan elders under the protocols of *te rii ni Banaba*, and the system known as *te inaaki*, 'a tier of thatch on a roof' (Bingham 1908:16). The word *inaaki* also relates to the ritual building and structure of the thatch roofing on a village *maneaba* and under these protocols signifies the traditional sitting positions within the *maneaba* (see Figure 1.1). An elder in the clan with his or her descendants would always be seated on the eastern side, which under custom recognises the power evoked from the rising sun (dawn). The *bukiniwae* (forerunner or herald) who had this inherited role within the clan would be seated on the western side signifying the sunset and end of day. The rest of the clan members would occupy the southern side while the northern side was reserved for the *irua* (visitors). This east to west placement was very significant as it endorsed the value the *te Aka* (indigenous Banabans) placed on their sun totem.

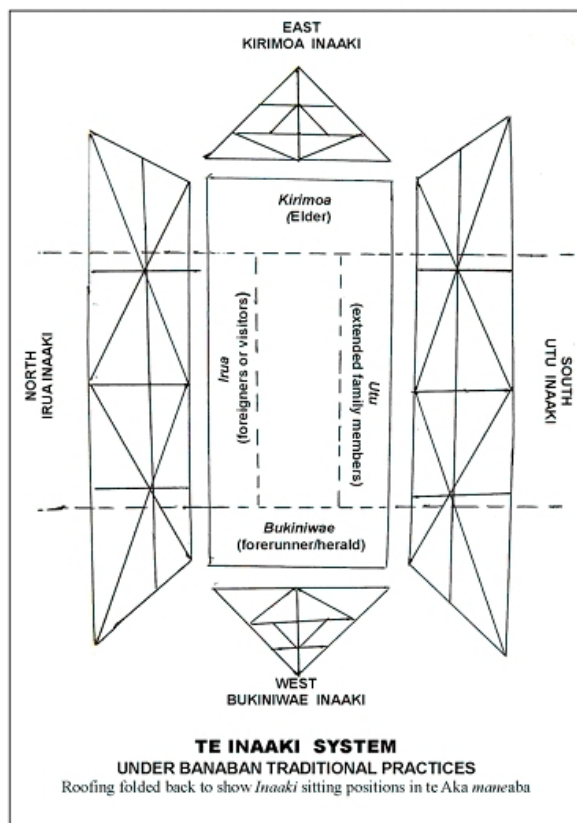


Figure 1.2: View of *Te Inaaki* system of traditional Banaban sitting positions within *maneaba*

They not only derived their powers from the sun but also used it as their guide for important protocols relating to time (See Figure 1.2). The meetings always commenced in the morning with the elder speaking first and finishing at the end of the day with the *bukiniwae*, (herald) leaving to announce the news through out other hamlets and villages.

In other Banaban villages different *maneaba* protocols were observed in line with their ancestral heritage. The people of Tabwewa, Uma and Tabiang would use the *te boti*, which in the Gilbertese languages is defined as 'place assigned to an individual or claimed by him' (Bingham 1908:74), and relates to the support posts in the *maneaba* structure. This is the only system that has been recorded in the past and also created confusion relating to the very different protocols of *te Aka*'s *maneaba* system of *te inaaki*. While the *te boti maneaba* system also relates to similar practices found in Kiribati (Maude & Maude 1995:43; Grimble 1989:115-129). These systems based on the structure and sitting places of the *maneaba* are the key to Banaban social organisation, traditional laws and the recognition of the respect and leadership given to elders within society. The term *Batua* (pronounced Pat-u-are) is an old Banaban word meaning, Godfather or deity, the ancestral figurehead of society.

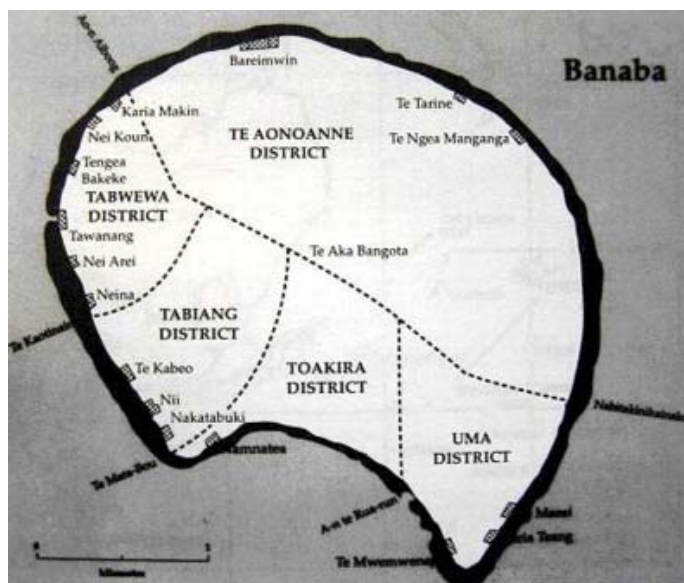


Figure 1.3: Original Banaban districts recognised by the Banabans before the discovery of phosphate

Banaban villages and individual land holding

The Banabans had no understanding of the village system and ‘elders argue that at that time of their history no actual village system was yet in place’ (Sigrah & King 2001:218). The word ‘village’ was only introduced in the 1800’s when seamen from the various English and American whalers began to call on the island to pick up fresh provisions during their year long voyages in the equatorial waters known as ‘along the line grounds’ (Sigrah & King 2001:177). By the time of Ellis’ arrival in 1900 he recorded four Banaban villages; Uma, Tabiang, Tawewa and Buakonikai. In fact the Banabans originally had five districts which corresponded with the first invasion by Auriaria and his party in the 1500’s and followed by the arrival of Nei Anginimaeao in the 1600’s (See Figure 1.3). The first district was te Aonnoanne meaning ‘that place!’ and representing the area inhabited by Banabans original inhabitants called te Aka meaning ‘the first hamlet’, who would be commonly referred to by the Banabans as *te moa ni kainga*. The second division would become known as the Tabwewa district and would represent the family and descendants of Auriaria and his party who resided in various *kainga* (hamlets) within this district. The district of Tabiang would be the land division and district given to Nei Anginimaeao by the Tabwewans on her first arrival on Banaba. Tabiang was the name of Nei Anginimaeao’s *maneaba* back in Beru where she had come from. Toakira District would be an area allocated to Nei Teborata another woman who arrived with Nei Anginimaeao. This district and its descendants were never documented by Ellis at the time of his first arrival in 1900. Uma District would also be another land division given to a fellow member of Nei Anginimaeao’s party, a man named Na Maninimate. The word Uma meaning ‘lagoon side of the island’, in reality, Banaba has no lagoon of the type found in Kiribati, but this area is considered the most sheltered region of the seashore (Sigrah & King 2001:125). The

following buildings and other landmarks were part of the original district layout (see Figure 1.4):

- Numerous individual *mwenga* (houses)
- A number of *kainga* (hamlets)
- One *maneaba* (district meeting house)
- One *uma n anti* (spirit house)
- A number of *uma n teinako* (house for menstruating women)
- One *uma n roronganga* (young men's house situated near district terraces)
- A number of *bareaka* (canoe sheds)
- A number of terraces for practicing *te kauti* (sorcery)
- One playground for district games
- A number of *bangabanga* (water cares) owned by certain clans (Sigrah & King 2001: 220)

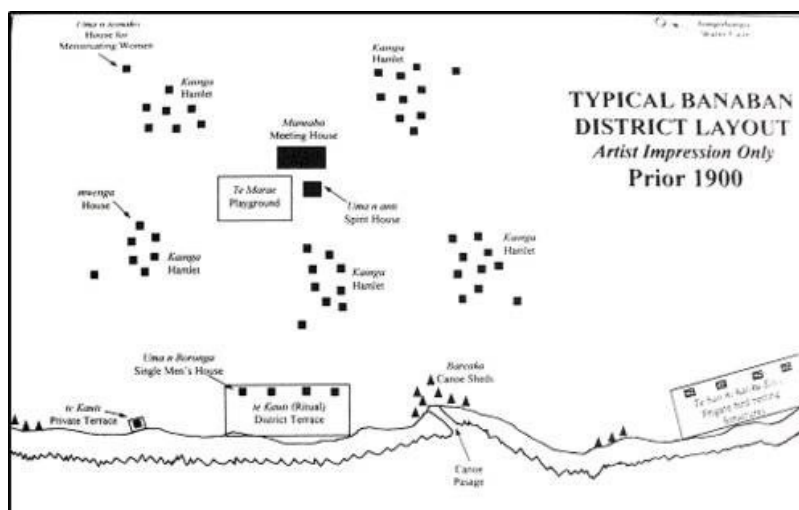


Figure 1.4: View of typical Banaban District Layout prior to 1900

The introduction of the European styled village system would bring about one of the most significant changes for the Banaban people. The Banabans believe this system was introduced by the Colonial government at the bequest of the mining company, so that they could be moved from their original land holdings associated with their *kainga* and into a central communal village. This system would avail the authorities in exercising more control over the local inhabitants especially as more land leases and acquisitions were made for mining areas. It was during this era that the fragmentation and distortion of Banaban heritage began to emerge. When the Banabans were moved from their original hamlets to villages to clear the way for mining operations their traditional system of clan socialization was destroyed. One glaring example of the impact of this foreign influence is evident with the amalgamation of the original te Aka and Toakira clan hamlets into the newly formed Buakonikai village. In the process the Toakira clan lost everything including their heritage to the te Aka clan who were more dominant, while most of their land would be taken over by the mining company (Sigrah & King: 2001:216, 226 – 229).

Banaban traditional law as foundation of *Kabowi* (Island Court) on Banaba

During Colonial rule on Banaba an Island Court was established based on British law, but the Banabans were more inclined to observe their own traditional law than accept these new introduced foreign regulations. This created a predicament for the government who were trying to avoid upsetting the Banabans as negotiations between the Banaban Landowners and the British Phosphate Commission (BPC) to acquire more land was becoming an issue. So with this in mind, the island's court system was altered to accommodate Banaban traditional law as its foundation for local law and order and presided over by a European magistrate. What the Banabans did not understand at the time was that this new system and the respect they had for own tradition laws would end up being used against them. Arthur Grimble in his book, *A Pattern of Islands* quoted:

The effect of the truly remarkable initiative wielded by the native courts and the representative's nature of their constitution was to keep alive among them (quite independently of European supervision) a high sense of responsibility for their decisions, and maintain among the people at large a vivid and critical interest on the conduct of their own affairs. The *Kabowi* system was established by an extraordinary wise dispensation of the eighteen-nineties. 'Wise' is not to imply that the panel code was entirely devoid of flaws; for example, it forced monogamy, under pain of imprisonment, upon a historically polygynous people and made criminal offences of certain sex-relationships that were basic to the old moralities. That was itself a moral and anthropological crime of first magnitude, which no British missionary body or government would have dared to attempt, even in those days, against a more powerful community. But for all that, the *Kabowi* system as a whole stood for an almost unique effort, in the heyday of Imperialism and thirty years before the publication of Lord Lugard's Dual Mandate, to engage the genius of a subject race on a really big scale in vital business of self rule' (Grimble 1952:97).

While Grimble was keen to emphasise the benefits of the *Kabowi* system in the times of Imperialism, the establishment and purposes of law had also been described as a form of control:

...when the law by means of its necessary agent, force, imposes upon men a regulation of labor, a method or a subject or education, a religious faith or creed – then the law is no longer negative; it acts positively upon people. It substitutes the will of the legislator for their own wills; the initiative of the legislator for their own initiatives. When this happens, the people no longer need to discuss, to compare, to plan ahead; 'it being intended that' the law does all this for them. Intelligence becomes a useless prop for the people; they cease to be men; they lose their personality, their liberty, their property. (Frederic Bastiat 1850)



Figure 1.5: Island Court House in use Banaba 1935

Fragmentation of Banaban cultural law during:

European influence

The arrival of traders and introduction of Christianity into Banaban culture were the first footholds of western influence that would begin to dominate and reform their heathen and pagan ways. They were also vulnerable to foreign influence from the traders who could offer them much sought after items such as, knives, cheap ornaments, and glass which were bartered mainly for their shark teeth swords and shark fins. While the missionaries imposed fines on their wayward and heathen congregation which had to be paid for in coconuts. By the time of phosphate mining and the meager royalty money, it was calculated that more than one third of the Banabans' modest incomes found its way back to the missions (Binder 1977:26; Sigrah & King 2001:198). Their valued possessions during this period included books, especially Bibles and clothing to cover their heathen nakedness. By the time of the mining company's arrival more than half of the Banaban population had converted to Christianity and believed that they were the sinners in the eyes of God and that the white man's word was the command of God's famous defended, the good King George V himself. Under this oppressive and totalitarian influence the missionaries instructed the Banabans to abandon their old ways. But not all Banabans were eager to see the light, destroy their coral deities, abandon their frigate-birds, and become slaves in order to purchase Mother Hubbard's (See Figure 1.6) and godly cotton trousers (Binder 1977: 26). These Banabans led by their elders became known as the *tani Bekan* (Pagans) and stood strong, upholding their old ways and traditions.

Up until 1908 the mining company had made most of the local rules on the island, while the rights of the Company in land matters had never been totally clear. In the early days of mining Ellis had acquired as much land as possible before the British flag had been raised



Figure 1.6: Mother Hubbard's introduced by missionaries to hide heathen nakedness

in the belief that these transactions would be finalised regardless of future British law. While on the other hand the official view had been that the island immediately became a British possession as soon as the Company had been granted a mining licence to mine the island, even though the British flag-raising had been somewhat delayed. In actuality the mining operation had begun in an almost clandestine fashion, clouded with doubts about legalities and without any blueprints for the future (Williams & Macdonald 1985:88). By 1909 Banaba became the headquarters for the Resident Commissioner for the Gilbert and Ellice Island Colony. Telfer Campbell the Resident Commissioner at the time had been living in the Gilberts for almost twelve years in an isolated and spartan situation, suddenly found himself being moved into special amenities that were somewhat luxurious in comparison. But he was soon to find himself being drawn almost totally into the concentrated orbit of the phosphate operations. Campbell who had been persistently at war with missionaries, resenting their influence over the local inhabitants had hardly settled into his new role on Banaba when he was transferred to Tonga. His temporary replacement, Acting Resident Commissioner Mahaffy, who had first visited the island in 1896, was shocked and disgusted at the state of affairs on Banaba with the industrialised state of the island and the Company's treatment of the Banabans. He urged the Colonial Office in Fiji to instruct the Company to introduce a systematic programme of land rehabilitation. With his pleas falling of deaf ears, he soon realised the power the Company was wielding even within government circles back in London. During Mahaffy's brief rule he raised the issue that if the Company continued to get its own way in the development of its mining programme, the island must inevitable become uninhabitable.

His predecessor, Captain John Quayle Dickson R.N., arrived from Africa very aware of his mission in the Gilberts, 'to satisfy within legal parameters the needs of both the Banaban and the Phosphate Company (Williams & Macdonald 1985: 89). Not long after his arrival he was soon to see the difficulties of his position. He raised the idea with the Company that the Banabans should contribute to a Trust Fund that would in due time provide enough money to enable them to buy a new island. While the Company argued that it was too costly a matter to arrange the resettlement of the 'natives' to a place where the living would be cheaper. Dickson was also unhappy with the methods of mining the Company had employed on the island with what he believed, with no consideration of the effects it was

causing on the Banaban people. With this in mind he refused to register any more 'Phosphate and Trees' leases until the Company reviewed its practices and took a more systemic approach whereby the mining sites would be worked to their limits before moving on, and that something had to be done to reduce the number of food-bearing trees that were being destroyed or mutilated beyond use. He also believed that the Company should pay more for the land it was purchasing.

Over the years and leading up to the intervention of World War II, each 'good intentioned' and unsuspecting government representative that followed would soon fall foul of the Company as they realised the impact the mining was having on the Banabans. By the time of Grimble's role as Resident Commissioner he had become well aware of the outcomes when attempts had been made in the past to try and protect the welfare of the Banabans. It also had become clear that it was virtually impossible to try and excise proper responsibilities toward the Banabans while the civilian administration remained in a virtual 'paralysed situation' on the island and with the Colonial office weary of upsetting or inconveniencing the phosphate operation. By 1921 the original privately British owned mining company would be bought out at great expense by a joint consortium comprised of three governments; United Kingdom, Australian and New Zealand. From this point on the Banabans were probably unaware that they would now be up against even more powerful adversaries. While these continued struggles were going on behind the scenes the Banabans only saw the reality of the situation as they watched the destruction of their only valued possession, their land. At the same time they tried to maintain their daily welfare including the upholding of customs, culture and tradition when so much of their existence was ultimately related to their land. For the Banabans the overall situation was far less complicated and one that was becoming more and more clear to them, 'when the land goes and our sacred water-holes go... we too, seem to be lost!' (Sigrah 1998).

World War Two

The invasion of Banaba by the Japanese Imperial forces in 1942 was an event that would actually seal the fate of Banaban hopes in defending their homeland against mining. Japan was the biggest buyer of Banaban phosphate outside of the Commission countries before World War Two. When the Banabans were forcibly removed by the Japanese occupation force in 1943 and dispersed to their military labour camps on Nauru, Tarawa in the Gilbert Islands, Kosrae in Micronesia, with a few left behind on Banaba to fish for their troops, their communal strength was so fragmented that they believed that they would never see their homeland again. This fear would actually become a reality when the Colonial Government relocated the Banabans to Rabi Island in Fiji when the war was over, telling the Banabans that the Japanese had destroyed their homes and 'that their villages no longer existed' (Sigrah & King 2001: 258). This was in fact propaganda used to take advantage of the situation and provide an excuse by the Colonial office and the Company to remove the Banabans permanently from their island. As Ellis clearly stated, 'there was only one solution... until the phosphate operation was well under way again there would be no money for such social and cultural luxuries as a great communal rehabilitation scheme...' (Williams & Macdonald 1985:341; Sigrah & King 2001:259). The idea of letting the Banabans return to their homeland was now negatively referred to as a 'social and cultural luxury' as opposed to the overwhelming commitment to re-establish mining operations on

the island, and to be finally rid of the 'Banaban problem, as they had become known' (King 1998). Eleven days after the war was over, 100 imported labourers from the nearby Gilbert and Ellice Islands arrived on Banaba and mining operations begun. By this time the Banabans were no longer there to defend their homeland from the onslaught of political and environmental destruction.

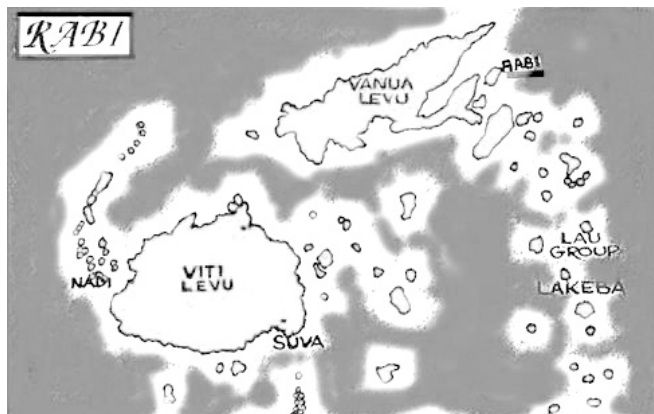


Figure 1.7: Rabi situated in the remote north-east region of Fiji

Resettlement on Rabi, Fiji

On 15 December 1945 the Banabans arrived on Rabi Island in Fiji (See Figure 1.6). By this stage the Banabans were fully convinced that this was the second time their most trusted 'Father', King George V and the British Empire had betrayed them. Firstly by annexing Banaba into the Gilbert and Ellice Islands Colony and secondly by moving the surviving population consisting of 703 Banabans and 300 I-Kiribati, a total of 1,003 people, 3,200 kilometres away from their homeland to Fiji. Up until this period, the Banabans had never heard of this place, so far away from the land of their ancestors. The accommodation and provisions supplied by the British Government were a far cry from what had been originally promised by the officials. The accommodation was army tents that had been hastily erected and were no match for tropical downpours during Fiji's annual cyclone season (Sigrah & King 2001:260). The two months' supply of army rations soon proved inadequate and the Banabans were finding it very difficult to adapt to this new land. By 1946 Maude in his capacity of Chief Land Commissioner for the Gilbert and Ellice Islands Colony was voicing his concerns on the future of the Banabans in regard to their land and monetary funds:

... fifteen years ago I spent nearly a year working among them in their villages (when I got to know intimately a generation now almost extinct), and since then contact has been renewed periodically until the war. It seems to me that the community has progressively degenerated morally and physically, and that urgent measures are now indicated if they are not to sink into a state of indolence or apathy (Maude 1946:17)

As the reality of the situation began to be realised the Banaban elders regrouped and united the people by setting out plans on how to accommodate, restructure and survive. Four

villages were established and named after the original villages on Banaba; Buakonikai, Tabwewa, Uma and Tabiang. After the villages were formed and settled by the people according to their land rights from Banaba, general meetings were occasionally held conducted by the eldest representatives from individual clans and based on Banaban cultural traditions. These important gatherings would ensure that the vital rites and ceremonies that were intrinsic to Banaban identity would not only be revived but preserved while living in a foreign land. From the 1960s until 1979 the Banabans began to exercise some level of control on a local level. With royalty money coming from Banaba they were able to implement new programmes and projects for the community while their local governance would be administered under the leadership of the Rabi Island Council and formally recognised as the Banaban Settlement Ordinance of 1945. The Rabi Island Council consisted of nine members and ensured one Elder was elected from each village and a Chairman from the elected Councillors, with his subsequent replacement from his own village community. The first general elections were held on Rabi in 1957 and thereafter in the January of every third year. The Banabans on Rabi became subject to Fijian tax and were entitled to the services provided by the Fijian Government. The Ordinance also established the Rabi Island Fund to hold various monies with specified powers and restrictions. In the following years an Ordinance, Cap. 105 - The Banaban Funds Ordinance was established as the Banaban Trust Fund Board. A third piece of legislation was enacted in 1965 as the Banaban Land Ordinance [Cap.117]. In October 1970 a new Banaban Settlement Act took the place of the former Banaban Settlement Ordinance and the Banaban Trust Funds Ordinance. The Act also recognised the position of Banaban Adviser, and appointed the Rabi Island Court with a Magistrate designated by the Governor.

During this period while royalty monies were available the Banabans utilised much of their funds towards the upholding of their traditional customs such as dances, games, traditional wedding ceremonies and other customs relating to their original lifestyle they brought from Banaba. They also began an extensive building programme on Rabi and sending their children to be educated in mainland Fiji. This period would reflex the Banabans first real experience in trying to handle and administer their finances. Without any proper financial assistance or training the Banabans were given the responsibility to manage not only the administrative costs of running Rabi but also to provide for those Banabans who had decided to return to living back on their homeland. Part of their charter was to also administer the various mining royalty funds that had been set up over the years. This money was held in trust by the Banaban Trust Fund Board on behalf of individual Banaban landowners' whose land was being held under mining leases back on Banaba.

Banaban financial concerns

By 1965 the Banabans were frustrated by decades of constant disputes over their land leases back on Banaba, and the inadequate royalty money they were receiving. They had also come to the sad realisation that the British Government had no intention of looking after their affairs, and with the lost of all trust in the government, they took the final step of instigating legal proceeding in the British Court (Sigrah & King 2001:18) In 1979 the courts decided that the British Government had been guilty of moral negligence. This ruling compelled the British Government and the Phosphate Commission to negotiate a

settlement. The Banabans took four years to finally accept the offered A\$10million, which was placed in trust and Fiji legislation was amended to include provisions for the creation and disbursement of the Banaban Trust Fund. While the payout of the A\$10million was clearly made on the condition that only the income could be withdraw, in a report into *Rabi Council Affairs* (1994) 'there was no Trust Deed or, so far as we can trace, any legally registered letter or agreement'. It also highlighted the fact that, 'The establishment of the Fund and its administration and the capital preservation requirement were embodied, by amendment in 1981, in the Banaban Settlement Act... and may be subject to constitutional constraints or amended by the Fiji Legislature without reference to or assent of the donors'. Ironically this Fund made up of what the Banabans perceived as highly inadequate compensation by the British government was recognised at international level as a development fund and therefore largely excluded the Banabans, as a minority community from access to the mainstream developmental process. As was stated in a recent United Nations International Human Rights report (2002: Section 38), 'since the 1980s all indicators for the social well-being of the community have shown a serious decline'. The Banabans forced removal from their homeland and subsequent resettlement on Rabi would stamp an indelible mark on the community that still is a continuing legacy to this day.

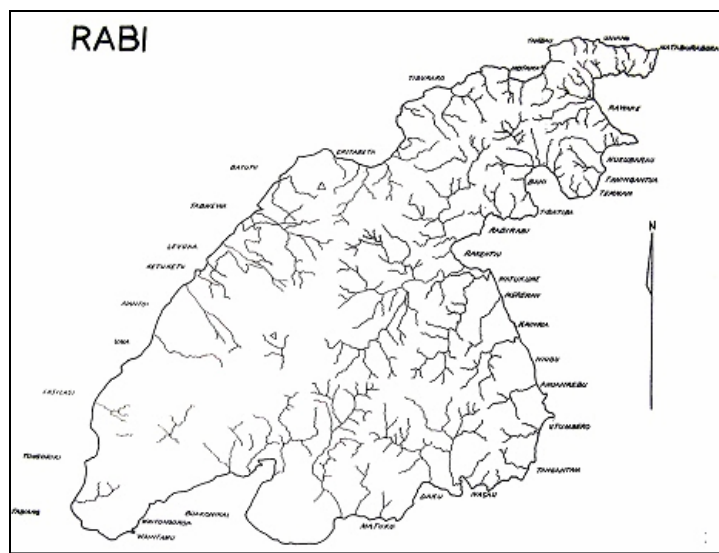


Figure 1.8: The four original Banaban villages have been resettled on Rabi Fiji today

Banaban culture living under two nations

Rabi, Fiji

Today the Banabans living in Fiji face certain issues relating to their culture. Under Banaban tradition they do not recognise chieftainship as part of social organisation, whereas in Fijian culture chieftainship is deemed the paramount authority within society. The Banabans are sensitive to Fijian sentiment, knowing they are living on indigenous freehold land, and cannot help but ponder the question, 'for how long will their presence be

accepted on Rabi?' This topic has especially come to the fore with Fiji coups in 1987 and 2000 which were aimed at entrenching the political dominance of ethnic Fijians, and further aboard in Zimbabwe, where government resumption of farming lands has become an international issue, especially as Zimbabwe was a former Commonwealth nation. Even today Banabans are expected to pay tribute to the Tui Cakau, the Paramount chief of Cakaudrove District, by contributing food, mats and other gifts whenever there is a chiefly function in the Cakaudrove district. Failure to comply with these traditional Fijian protocols would also cause problems for the Banabans with Rabi falling under this district. Banabans understand and appreciate Fijian hospitality as guests in their land, and therefore with respect apply with Fijian traditions and customs just as the former indigenous Rabians had for hundred of years. Since the 1987, coup fishing grounds were closed around Rabi, and the Banabans were restricted from commercial fishing. Even with the acceptance of Fijian protocols and customs, it made things extremely difficult for them to try and earn money for daily essentials and to provide for their children's education. It also highlighted and brought to focus the quandary of the Banabans position, with their feelings of living for the more than fifty years as 'guests' on Fijian land. The other major concern for the Banabans is their eventual assimilation into the Fijian cultural mainstream, if not through inter-marriage, through the teaching of Fiji culture in the Banaban school curriculum.

Now as more of the first and second generations of Rabi born Banabans are being educated under the Fiji system they find themselves bonded or working within the Fiji government system. With no development or future to offer them back on Rabi, their skills are not being fully utilised where they are most needed, within their own community. Another quandary is emerging as Banabans realise that education is essential for bettering the lives of their future generations, yet at the same time, this aim can also add to the permanent alienation and removal of some of the community's most gifted people. Now more than ever, Banabans are realising that the establishment of programmes must be implemented to address this growing trend.

Banaba, Kiribati

Banaba now comes under the laws and jurisdiction of Kiribati legislation under a dedicated Chapter IX of the Kiribati Constitution, and even though the majority of Banabans reside in Fiji, there are certain considerations over their rights and ownership of their land holdings on the homeland. Some of these include:

- That their right over their land will not be affected in any way by reason of the fact that he reside in Rabi Island in Fiji.
- All land that was acquired by the Crown before Kiribati Independence Day would be returned to the Banaban from whom it was acquired or his heirs or successors upon the completion of phosphate extraction.
- Where any Banaban possess any right over or interest in land in Banaba, no such right or interest shall be compulsorily acquired other than a leasehold interest and in accordance with 8 (1) of the Constitution.
- Every Banaban shall have an inalienable right to enter and reside in Banaba
- There shall be a Banaba Island Council
- The powers and duties of the Banaba Island Council shall be prescribed by or under law.

One of the most important concessions in the Kiribati Constitution is the presence of two nominated members in the House of Assembly known as the *Maneaba Ni Maungatau*. One member representing the Banaba community and the other represents Rabi. The Rabi Council of Leaders (RCL) in Fiji administer Banaba at a cost of approximately F\$12,000 a month (Sigrah & King 2001), however the Kiribati government does provide for some government services with a local island administrator attending to such functions as the postal and radio services, health nurse, school teacher, and island policeman. All other services are provided by the RCL and administered by their appointed Banaban Island representative. Since the cessation of mining in 1979, the government has conducted at least two feasibility studies to assess the viability of re-mining the island (Roche Bros 1987). To date this has either proved financially unviable or not acceptable to the Banaban landowners of whom the majority resides on Rabi today. Today as in Fiji, the Banabans who wish to access the Kiribati education system through scholarship funds also become bonded to the Kiribati system for a period of approximately five years.

Clan spokesman responsibility to ensure ethnic survival

The clan spokesman in Banaban tradition was always regarded as a representative of the elders in the chairing of family meetings in a particular clan or as a participant in the elders' general village meetings. Under custom special training education is given to a clan spokesman from an early age. This is a non-political role and only concerns matters of culture and associated protocols, in rights to land ownership on Banaba, inherited roles and duties, and certain ritual practices. The main skills and knowledge to hold this important role within society is knowing the clan genealogies and being well versed in all aspect of cultural law, *te rii ni Banaba*. The Banabans have always treated this role with great respect and is one that under custom is only given to males. The spokesperson must be related by blood to the clans he represents and be chosen by the elders to talk on their behalf at official functions.

Between 1987 and 1989 Banaban Council of Elders on Rabi and members of all Banaban clans held meetings on Rabi to confirm genealogy, and inherited rights within the Tabwewa district. Meetings were also conducted to settle land disputes at clan level. This way many of these issues never reached the court system but could be settled within the clans and immediate families. Now, through the influence of western education many younger Banabans have begun to question their elders' decisions on subjects that would usually be considered taboo under custom. The role of education within Banaban society has changed with educated Banabans moving away from their traditional lifestyle where customs and culture were part of daily life. Many of their young generation are now relying on books written by scholars outside of Banaban society to provide them with the vital knowledge of where they come from. Today there is an 'education gap' where the community looks to their educated generation to provide leadership and knowledge, and to converse and understand seemingly complex western systems of governance, finance and development. While these are qualities that are much needed within society to ensure future survival for the community, these ideals soon become clouded and unworkable. While some of this educated group have the knowledge and understanding of the western system of governance, the majority of Banabans who still live within traditional society find it

difficult and near impossible to converse at this level. How then can this gap be bridged?

One example of a workable system combining traditional and western education can be found in the Fijian traditional system established by their Great Council of Chiefs and Fiji Parliament. Their system was founded by combining traditional practices and western laws that would be written into the Fiji Constitution. In 1991 the Interim Administrators were appointed by the Fiji Government to look after Banaban affairs when the Banabans rejected their encumbered Rabi Council of Leaders leading to a major dispute within the community. Over the next five year period, the Interim Administrators, who were Fiji Government officials of non Banaban background, worked together with the Rabi Elders in harmony to administer Banaban affairs. This episode would prove that a workable system can be found utilising the expertise and skills of the people needed to successfully administer the community, while at the same time acknowledging and acceptable guidance and wisdom offered by Banaban elders.

During Rabi Council elections that followed in 1996, new issues arose when a women was finally elected into Council. Banaban Elders tried to argue their case of Banaban custom where these roles were clearly defined as being a male role. Other issues were also raised with Elder's asking the newly formed Council to clearly define the term of 'Elder' and 'indigenous Banaban' within their society. When the female Councillor refused to step aside, Elders then asked to take their case to the Fiji Government. This did not eventuate when it was pointed out that under the Banaban Settlement Act, Section 3 (7), that the wording, 'Any qualified elector may...' and not the word 'male' had been incorporated into the Act. Also with international pressure on Fiji's human rights issues, the Banabans had to accept international law in regard to gender equality.

Conclusion and recommendations

With the call for globalisation and increased pressure to promote and protect human rights in the Pacific, the value of cultural diversity, the importance of recognising cultural context, and the protection of indigenous rights and freedoms also play an essential role. In the case of the Banabans, the basic human rights that are usually intrinsic in democratic societies have never applied or assisted them in the past. Today, in a changing environment Banabans must use these international laws and protocols with the assistance of the appropriate NGO's and international bodies to demand the basic human rights that they are surely entitled, such as: the fulfillment of economic, social, and cultural rights, including access to basic services, food security, shelter, and the right of sustainable livelihoods, while calling for environment rehabilitation and preservation of the Banaban homeland.

Banaban culture and traditions should be preserved by officially endorsing the importance of Clan or Cultural advisors within modern Banaban society. The position of a cultural advisor could be set up within the legal framework of the local governing body, the Rabi Council of Leaders. This role would liaise between the Elders and members of the Council to ensure that as new systems evolve, Elders and traditional practices would also be included in the process and provide a valuable link between the varying levels of Banaban society.

While it is essential for the Banabans to continue in educating their community, the current trend of an increasing 'education gap' has to be addressed as soon as possible. At the current rate of Banaban social development, education will not protect ethnic identity or the community's survival unless active programmes and the development of Rabi are realised. Unless the Banabans can offer a future on Rabi or Banaba for their young generation, the wealth of skills currently available from within their own society will be of no benefit to the community. Another viable option is to implement programmes for those skilled Banabans who are living and working away from their community that maybe able to assist their community back home. These include public awareness programmes and seeking options at an international level, and urging participation that may be of future benefit to the broader community. At a local level, cultural and tradition learning should also be included in formal education's curriculum.

Above all it is imperative that in a changing world Banaban traditions are not forgotten. Even though the majority of Banabans are born on Rabi today their cultural and spiritual identity is indelibly linked back in time to a place many have never seen. For Banabans their land is their mother and their teacher. Over the ages, Banabans learned that while their land could do without them, they could not do without their land. They also learned that the respect they have for their land which provides their identity also will determine the way to treat and care for one another in the years that lay ahead.

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