

## **Legacy of a Miner’s Daughter and Assessment of the Social Changes of the Banabans after Phosphate Mining on Banaba**

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### **ABSTRACT**

The global impact of phosphate discovery on Banaba society was assessed. The study analyzed the ongoing and continued societal changes of the islands indigenous inhabitants, known as Banabans during and after phosphate mining on Banaba (Ocean Island). After twenty-four years since the cessation of mining on Ocean Island the locals have attempted little effort of rehabilitation. This study highlights the impact of the human and environmental catastrophe, and in doing so gives an analysis of the obstacles left as an ongoing legacy of what had happened on Banaba from the mining activities. This paper identifies the challenges that must be overcome to fully take into account the rich social norms and traditions of the Banabans expressed through their songs, myths, legends, oral literatures, dances, meetings and behavioral pattern of human interaction. The roles of the former colonial government, the United Kingdom with neighboring developed countries such as Australia and New Zealand to rehabilitate Banabans society from a humanitarian perspective is imperative to safeguard the extinction of a unique race, culture and society. Therefore the study proposed key areas of responsibility such as rehabilitation, compensation, and support for proper and sustainable resource developments of Rabi and Ocean Island. With the ever-increasing trend towards Globalization and the human rights movements long laid claim to a universalizing mission (Keohane & Nye 2000), the International community also has a vital role and level of responsibility. It concluded that an International lobbying and media campaign is not only crucial but also necessary to expedite the Banabans call for full social and humanitarian recovery.

This study assesses the impact of 80 years of phosphate mining on Banaba Island and its affect on the island’s indigenous inhabitants known as Banabans. To fully comprehend this impact it is essential to go back to the beginning and the discovery of phosphate rock. This major find would not only change the lives of the Banabans but also lead to the development of a Pacific phosphate industry that would have major global implications in world trading markets. As the Banabans struggled daily to try and slow the progress of the dominant mining company, they had no idea of the haggling and manipulations by the powers-that-be behind the scenes, in securing one of the major prized possessions in the Colonial Crown. Even a world at war and subsequent Japanese invasion would prove a mere stumbling block in their plans. While the Banabans upheld the naive belief that ‘good must overcome evil’, and their newly acquired sovereign and head of the Church, King George V of England would intervene to help them. Even though the Banabans would find out otherwise, their genuine and instilled belief and trust in ‘doing the right thing’, made it difficult for them to accept the actuality of the human condition capable of ill treatment of another fellow human being, would also prove their downfall. However through all this their strength to seek justice is all consuming. Now more than 24 years since the cessation of phosphate mining on Banaba they face new challenges on a daily basis and yet through all this adversity they are capable of drawing their dogged determination and will to go on from the belief in their badly decimated homeland. This paper is focused on the impact of the phosphate industry and identifies the on-going legacies left for the Banabans to overcome today. It also determines the onus of responsibility the International community has in ensuring the Banabans continued survival in the difficult years ahead.

### **European discovery**

The discovery of phosphate rock in the Pacific by Albert Ellis from the Sydney office of the London-based Pacific Islands Phosphate Company (PPIC) and his subsequent arrival on Banaba Island on 28 August 1900 would signify the biggest turning point in Banaban history. The global impact of Ellis’s discovery of what had long been regarded as just another piece of ‘fossilized tree’ would also provide a life-line for PIPC which, up until this stage, was struggling financially to remain afloat. As the friendly unsuspecting Banaban population numbering only 451 people welcomed Ellis to their shores they had no conceivable idea that his arrival would herald the beginning of the end. The Banabans as a people had just become expendable.

The first recorded sighting of Banaba (Paanopa or Panapa according to Admiralty charts) was by Captain Jered Gardener on 3 Jan 1801 aboard the American ship *Diana*. At first he mistook Banaba for what he referred to as nearby Byron Island, and on realising his mistake named his new discovery Rodman’s Island after the vessels’ owners Rodman and Company of New Bedford. However, it was not until 1804 that Captain John Mertho aboard his ship *Ocean* would claim the official discovery of the island and its English name – Ocean Island. This name would also signify the subsequent Colonial possession of Banaba Island right up until 1980.

Banaba Island, a small isolated outcrop consisting of 595 hectares is situated in the Pacific; latitude 0.52 south and longitude 169.35 east, just 83 kilometres south of the Equator and 180 kilometres from its nearest neighbour Nauru. The island lies in the full

rush of the equatorial current running at a varying strength of between 2 to 5 kilometres per hour. Generally round in shape except for a bay, approximately 1.2 kilometres in length situated on the southern side of the island, which offered a natural landing place for small boats and canoes. The diameter of the island, north and south, east and west, is virtually the same measuring approximately 2.5 kilometres and reaching over 85 meters at its highest point. In fact, Banaba forms the almost circular top of a steep and very symmetrical submarine mountain that over the millennia has been submerged a number of times. This resulted in the island's composition of coral with phosphate on top reaching depths in some areas of up to 18 metres. (Figure 1.1)

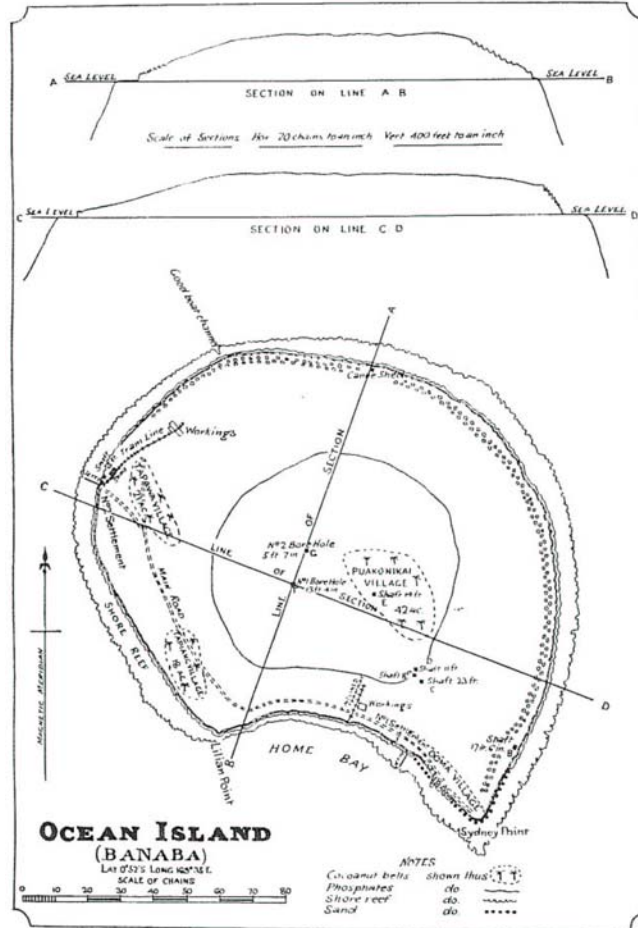


Figure 1.1: Early Map Showing Phosphate Deposits on Banaba - May 1904.

### Pacific Fertilizer Industry

In 1871 the world's fertilizer industry was transformed when Agricultural chemists discovered the significance of phosphorus in the ecological system and the value of soluble phosphate in unlocking plant nutrients lying virtually dormant in the soil. This discovery heralded the beginning of a new fertilizer industry based on phosphate rock treated with sulphuric acid. During this period large deposits of both rock and alluvial phosphate had been discovered on the American continent and in Morocco and Tunisia, which were expected to meet the needs of American and European farmers for a least

the next century. While Australian and New Zealand farmers were dependant on regional phosphatic guano deposits (accumulation of bird droppings) which were not only limited in content and quality but also scattered across the vast breath of the Pacific Ocean from the west coast of America to the north-east peak of Australia. These guano deposits had been methodically worked with ‘broom-shovel-and-wheelbarrow-technology’ offering a very limited and frugal future.(Williams & Macdonald 1985:7) By 1899 the teams working in the Western Pacific were scraping up residual loads of guano assaying as low as 30 percent phosphate of lime, while farmers were demanding 60 percent.

Ellis’s discovery in 1900 would provide both the life-line for the ailing PPIC and a financial windfall far beyond the company’s expectations, while Australian and New Zealand farming interests would also reap the benefits of increased productions yields that had never been previously envisaged. The remote and previously insignificant Banaba Island, now officially ‘discovered’ as Ocean Island had just become a very valuable and sought-after asset. The island’s aboriginal inhabitants were all that remained in the way of this timely discovery. Up until this period of Pacific history, Ocean Island had been considered by European seamen as ‘a curiously dry and uninviting place seldom visited except by the occasional missionary or trader’, (Williams & Macdonald 1985:14) and was beyond the limits of German jurisdiction north of the Equator. It was considered so insignificant and isolated that in 1892 the British government did not bother including the island in their newly formed Gilbert and Ellice Colony Protectorate. Even with Ellis’s discovery the British government still needed to be convinced. As reported by the Western Pacific High Commissioner, Sir George O’Brien in a telegram from his Suva office dated 9 Feb 1900 and after receiving a report on the situation by the Gilbert and Ellice Island Colony (GEIC) High Commissioner, W. Telfer Campbell the previous day:

2.As Ocean Island is said to possess no harbour, and to be difficult of access owing to the prevalence of very strong currents, there would appear to be no reason for including it in the Gilbert & Ellice Protectorate merely for the purpose of preventing its falling into the hands of some other Power. And as Mr. Campbell points out, its inclusion would add to the expenditure of the Protectorate without bringing in any adequate compensating revenue. This being so it would seem that the only ground would seem that the only ground for adding the island to the Gilbert & Ellice Protectorate is in order to facilitate the acquisition by the Pacific Islands Company or rights over the Guano which it is supposed to contain, and I fail to see why the Company should not be left to make such arrangements in that respect as may be satisfactory to both parties.

3.... I can ascertain no application has ever been made by the inhabitants of the island for British protection, and it is possible that they might resist Mr. Campbell if he were to proclaim it as included in the Gilbert & Ellice Protectorate. ... If decided on, it would I think, be well that the proclamation should be made on the visit of some man of war to the island.

4.I am unable to understand the application by the Company as for a Guano licence, as such licences are issued only in the case of uninhabited and unclaimed island, or reefs. Possibly the Company was under the impression

that Ocean Island is uninhabited, but I am informed that it is rather thickly inhabited.

5. I may add that the passage in your telegram, “and then proceed as proposed in the case of Solomons grants” would seem to require some explanation in the event of your directing me to proceed in the matter. The proposed Solomons grants are grants by the High Commissioner of waste lands, and the rents of such lands as may be leased will go to the revenue of the Solomons Protectorate; while the Guano on Ocean island is private property at the disposal of the owners who, if they part with it, will be entitled to the consideration paid for it.

The Solomon Project referred to by O’Brien was a visionary scheme based on the hope that the Pacific Islands Company (PIC) would be given a ninety-nine year lease on 200,000 acres (80,937 hectares) to be developed as a comprehensive plantation based settlement. With the objective the natives would be gradually brought from a condition of squalid and brutal heathenism to a state of Christian decency while at the same time British trade and commerce would be increased. (Williams & Macdonald 1985:15)



**Figure 1.2: Postcard 1910 showing Banabans in dancing costumes.**

### **The negotiations begin**

With these latest developments Ellis proceeded to Banaba arriving aboard the *Archer* at dawn on 3 May 1900 where Banaban canoes quickly paddled out to greet the ship. Among this group Ellis would wrongly surmise that one of the men who came aboard to welcome him must be the island’s chief and therefore ‘King’ of the entire Island community. On the same day as his arrival and with major assumptions, not to mention the fact there was no mutually understandable language between the parties and with crudely formed marks ‘crosses’ to signify signatures of the local inhabitants, Ellis proceeded to draw up an ‘Agreement’ that would grant the Pacific Islands Company Limited the rights to mine phosphate for the rate of £50 per annum for the next 999 years. This document would become known and branded as scandalous throughout the years that would follow, and in later years Ellis himself, in his various writings would admit that he was soon to discover that in fact there was no one ‘Chief’ or ‘King’ on Banaba at all, and he quickly redrafted his famous document to accommodate so called

'Chiefs' from the island's four major villages and include their thumbprints to try and legitimize his original 'Agreement'. In fact, Temati, the Banaban man he had wrongly accredited as the 'King' of the Banabans was the man, under Banaban cultural protocols, with the inherited duty to board foreign vessels when they arrived.

Whether Ellis's mistake was genuine on his part or more the need to speed up and formalize his company's possession of the island's phosphate deposits, especially in view of the attitude of the British government, it is hard to know. However, what is known is from this point in history, Ellis' and his company's continued dealings with the Banabans, and the misinterpretation of Banaban culture and traditions would leave a tragic and lasting legacy that still persists to this day. It is also at this stage that a new and proclaimed official European version of Banaban history was created and began to advance at a pace to rival the ever-evolving phosphate industry.

With only 451 Banabans standing in the way of progress, the essence of their identity as Banabans had now also just become dispensable. Before the unsuspecting Banaban landowners knew Ellis had negotiated and documented purchases of their land and leases in the Banaban village of Tabwewa and Uma. By September 1900 he had organised the building of an island jetty and a storehouse to house foodstuffs and perishable goods, while his men had taken up residence in tents or under tarpaulins.



**Figure 1.3: The devastating impact of phosphate mining on Banaba prior to 1920**

### **The struggle for land and the consequences for the Banabans**

Ellis and his Company would soon discover that the Banabans were not going to work for them. While the Banabans initial 'welcome' soon began to sour when they saw their land and valuable food-trees disappearing before their eyes. Their initial eagerness to place their marks on documents or carry and pick up rocks for their new visitors had disappeared. As Ellis stated in his diary during his initial negotiations with the Banabans to acquire the land he need to commence mining:

The men said they only had small pieces and the coconut trees thereon meant their livelihood, therefore they could not sell – but that we were at liberty to build houses, shipping places, lay tram lines or do any work on their land, provided the coconuts and gardens were not interfered with. (Williams & Macdonald 1985:34)

This entry and other significant negotiations made during his initial visit, in what Ellis referred to, as ‘not difficult to clinch’, reflect the attitude and intentions of Ellis and the PPIC towards the Banabans from the beginning. He was worried the Banabans would begin to ‘get and exalted view of the value of their deposits’ as prospecting progressed (Williams & Macdonald 1985:33). Other important aspects of these first negotiations included payments to the Banabans being made in chits for trade or Letters of Credit back to the PPIC. Ellis also recommended that no other white men, apart from those who worked for his company should be allowed to live on the island and this was agreed to. This major step by Ellis would give his company virtually total control over the island now and in the future. The On 29 November 1900 the Company had also convinced the British government to annex Banaba (Ocean Island) into their Gilbert and Ellice Island Protectorate. By the end of 1900 the Company had already shipped 1550 tons of phosphate from the island.

The Banabans were now on an erroneous path of sequential events that they had no understanding of the magnitude of what their kind ‘welcoming’ gesture would perpetuate. The following episodes are part of that process that would escalate over the next century leaving the Banabans in the precarious position they find themselves today.

By 1902 the Pacific Phosphate Company Limited (PPC) was registered as a subsidiary of the PPIC and the Banabans leases and licenses were transferred. This new company also included some powerful International businessmen, including German financial interests, with Germans allowed to sit on the board with the other British directors (Sigrah & King 2001:223). By 1909 life as far as the Company was concerned had become civilized and generally pleasant. In addition to between 400 or 500 Banabans, the status-graded population now consisted of around a 1,000 recruited Pacific Island labourers (mostly from the nearby Gilbert & Ellice Island Group), 400 or more Japanese, and some 80 European company staff, together with a small contingent of Fijian police (Williams & Macdonald 1985:84). What also should be noted at this stage of development was that Banaba had now become a fully industrialized island with electrical lighting, and machinery and operating facilities that would prove to be leading-edge technology of the time (Figure 1.4). The full impact of mining was beginning to take effect with mined out areas left with impenetrable fields of towering limestone pinnacles. Mahaffy, the island’s Resident Commission was alarmed. In a memorandum to Fiji he urged that the Company be instructed to introduce a systematic programme of land rehabilitation, only to be informed by Westminster ‘that the Company had every desire not to act in any way contrary to native interests’ (Williams & Macdonald 1985:87). No rehabilitation was implemented and Mahaffy left the island to take up another posting. By this period the relationship with the Company and the Banabans had further deteriorated to the stage that the Banabans were refusing to lease or sell anymore of their land. Resident Commission E.C. Eliot would later provide valuable insight into the power the Company was wielding within the Colonial Office:

From 1900 until 1909, when questions were first asked in the House [UK parliament] about the treatment of Ocean Island landowners, the Company enjoyed nine years' Paradise. Nobody interfered. They had things entirely their own way. During this period they exported something like 2,000,000 tons of this extremely valuable phosphate of lime from Ocean Island... 1909 started this train of uncomfortable questions which, but for the outbreak of war in 1914, might have reached the dynamite of truth. From 1909 until I went out in 1913, the Colonial Office was no doubt becoming uneasy. During these years they [government] had endeavoured to improve conditions to a limited extent, but the Company possessed a stranglehold as the result of their Chairman's original letter. By 1912 there was a definite feeling of unrest on the island, so the Company agreed that I should be sent out in 1913 with a mission of far better terms. The landowners had flatly refused to part with another square yard of their land unless it was taken by force. This was their ultimatum. Captain Quayle Dickson, my predecessor, had already made the strongest representations to the Colonial Office in favour of the oppressed landowners. The Company brought pressure to bear for this removal from office (Eliot 1938:144).

Up until 1913 all Banaban land acquired by the Company for phosphate mining had to be negotiated with individual Banaban landowners under a so-called 'Phosphate and Tree Purchase' deeds, for a fixed sum averaging around £20 pounds an acre, which together with the payment of £50 a year under the Agreement and compensation for the lost of any food-producing trees, was the sole payment given to the Banabans (Maude 1946:4). This stalemate would continue until 1913 when the Government and Company finally brokered another agreement with the Banaban landowners to sell off another 145 acres (58.6 hectares) of their valuable land. By the time of the 1913 Land Agreement, the Banabans argued that they should receive 'compensation for food-producing trees destroyed as under the previous 'Phosphate and Tree Purchase' deeds' (Maude 1946:4). They also believed the phosphate company had made inaccurate records of land features and measurements, and approximate measurements were not longer acceptable to them (Sigrah & King 2001:224). The Banabans were starting to make other objections as well accusing the company of switching leases from outside to inside of mining boundaries. They also were concerned that the replanting of food-bearing trees was impracticable especially during the times of drought. The issue over land boundaries would not be addressed until 1931 when Maude was appointed by the Colonial government as Native Lands Commissioner. By this time thirty one years of illegal acquisitions of Banaban lands by the mining company would go unchecked.

The next major event to befall the island was World War One. Because the island was already under British government administration very little impact was felt on Banaba except for thirty five Company staff that returned to Australia and New Zealand to enlist. Meanwhile the situation at the Company's sister mining operations on Nauru, which were under German governance and administration, now found themselves as the enemy. The Germans had placed the island's British staff under house arrest. This situation was resolved three months after the start of the war when the S.S. Messina took Nauru's German workforce for interment back in Australia. Even though the Banabans were under constant conflict with the Company they had a genuine affection and belief in the 'Good King George' as they affectionately referred to the King of



England. On hearing that the Good King was under attack by Germany the Banabans gave a gift of 1,000 pounds to the Prince of Wales Relief Fund. With the end of World War One another major development was about to unfold.

### **The governments of United Kingdom, Australia and New Zealand take over**

As the war drew to a close, the Australian Prime Minister of Australia, William Hughes was in London to discuss postwar problems directly affecting Australia including the Allies retention of German possessions in the Pacific. By February 1919 the delegation to the peace-making Council of Ten met to discuss what was wanted by the group in the way of mandates. The discussions started with a proposal that New Zealand should have Western Samoa, Nauru should be brought within the jurisdiction of the Western Pacific High Commission, and German New Guinea should go to Australia, and the islands above the Equator to Japan (Williams & Macdonald 1985:126). It was later decided, with Hughes' insistence that Nauru should also be included in the Australian allocation. Nauru would be the catalyst for the Dominion Prime Ministers of Australia and New Zealand to flex their muscles not only with each other but also the British Government and the mining company. During these negotiations, Hughes was adamant that Nauru should come under the total control of Australia, but on 27 June 1919 a compromise was finally reached where the three governments of Australia, New Zealand and United Kingdom would share in the Mandate over Nauru.



**Figure 1.4: View of an Industrialized Banaba early 1900's**

This ensuing Mandate also meant the acquisition of the Phosphate Company's rights and assets over mining on Nauru. The only thing left was to decide how much to pay for the total operation. On 18 February 1920 the privately owned PIC was brought out by the three governments of United Kingdom, Australia and New Zealand conjointly for the sum of £3.5 million and renamed the British Phosphate Commission (BPC). This created another dilemma as it became obvious that running Ocean Island in competition with Nauru would be absolutely fatal to the new Company in every way. With this in mind and the fact that Nauru would be run as a non-profit enterprise by the three governments involved Banaba was also officially included in the deal by June the same year. This complex and protracted agreement would be called the Nauru Agreement of 1919 and under Article 14 of the Agreement the following allocation and contributions were to be made:

Each of the three Governments shall be entitled to an allotment of the following proportions of the phosphate produced or estimated to be produced in each year, namely:'

United Kingdom : 42%  
Australia : 42%  
New Zealand : 16%

Provided that such allotment shall be for home consumption for agricultural purposes in the country of allotment, and not for export (Williams & Macdonald 1985:135).

In a 1919 report tabled in the New Zealand Parliament titled – *Nauru and Other phosphate Islands in the Pacific* it was claimed that Banaba ‘contains 15 million tons of phosphate of tolerably uniform quality, and corresponding on the dry substance to 85.25 to 86.75 percent of tricalcic phosphate. As in the case of Nauru, the greater part goes to Australia and Japan.’

It was soon apparent that Article 14 of the Agreement would cause much consternation between the three governments. By 1924 when 1.5million tons had been shipped, 950 000 tons had gone to Australia 160 000 to New Zealand, and only 30 000 tons to Britain, while 360 00 tons had gone to Japan and other countries. The distribution system was developing efficiently and sales in Australasia were expected to reach more than £1 million a year by 1925. However it was during this period that the young Banaban men were making it very clear that they had no intentions of making any more land available to the newly formed BPC. This situation would escalate in 1927 when the land previously acquired under the 1913 Agreement was nearly depleted. The BPC negotiations with the Banaban landowners had ground to a halt with what the Commissioners considered unreasonable demands by the Banabans. The Banabans refusal would cost them dearly as the Island’s Resident Commissioner Arthur Grimble stepped into the fray punishing them by forbidding games and establishing a curfew from 6pm to 6am, yet the Banabans still refused the BPC terms (Binder 1977:83). Grimble at his wits end then took extreme measures by writing to the Banabans threatening actual violence if they did not accept the BPC terms. This written document would emerge in its entirety fifty years later during the Banabans court proceeding against the BPC bringing Grimble’s actions finally to account. It was also during this period that a telegram was dispatched on 22 October 1927 by His Excellency the Governor-General of Australia on behalf of the Prime Minister to the Secretary of State for Dominion Affairs stating clearly their intentions regarding the Banaban issue:

‘Following from Prime Minister begins –  
The term offered by the Commissioners are in excess of those recently agreed at Nauru and amply cover the differences in conditions between that Island and Ocean Island providing both for the present and future welfare of the Banabans. As all the phosphate on Ocean Island will eventually be required it appears to Commissioners advisable that steps should be taken to secure another island or islands for the use of the Banabans when Ocean Island is not longer suitable for their habitation and the Commissioners have expressed their willingness to cooperate in their matter. The question of immediate removal to another island can be avoided if the land now required is made available without restrictive terms and conditions...

Commissioners therefore request that

- (a) phosphate mining land at Ocean Island be made available without delay for use as required by the British Phosphate Commissioners upon terms not exceeding those agreed at Ocean Island early in July and approved by the commissioners and the Colonial Office;
- (b) terms and conditions for leasing land at Ocean Island for purpose other than phosphate mining be arranged for 20 years on the same basis as at Nauru;
- (c) that it be recognized that the whole deposit of phosphate at Ocean Island must eventually be worked;
- (d) that arrangement be made for the acquisition of another island or islands suitable for eventual occupation by the Banabans.

As you have doubtless been advised in similar terms by United Kingdom Commissioner shall be glad to hear your views. My Government concurs generally with recommendation but considers the suggested transfer of Banabans to another island raises somewhat serious issues. We do not consider we are justified in making such a recommendation as this matter is one entirely within the province of British Administration.' (Sigrah & King 2001:323-324)

By the end of the year the United Kingdom was ready to consider legislation for the compulsory acquisition of Banaban land on the grounds that the phosphate under the surface belonged to the Crown. This was an absolute negation of the Phosphate and Trees Agreement of 1903 which was based on the premise that the Banabans owned not only whatever grew on the surface but also the underlying phosphate deposits. It was also a complete reversal of Colonial Office policy as expressed in 1923 by the then Secretary of State for the Colonies who had stated plainly that the rights of Banabans extended to full ownership of their land and the 'minerals thereunder' (Williams & Macdonald 1985:227).

### **The 1928 Compulsory Land Acquisition**

It was during this struggle that the Government took what Maude would eloquently describe years later while writing his Memorandum on the Future of the Banabans, as '...the Government had perforce to intervene, with the acquisition of land on Ocean island.' (Maude 1946:5) Maude in his role at the time as Government land surveyor had already been approached by the Banabans when they personally handed him a bag of gold with instructions to be so kind as to find and pay for a good lawyer to help them. Maude was reluctant to get in between the BPC and his superiors, quickly handed over the bag to Resident Commissioner Grimble. He promptly told him to return it post haste. In reality the September Ordinance No. 4 of 1928 was enacted, giving the Resident Commissioner authority to enter into possession '...of any land required for mining if its owners refused to make it available under lawful and reasonable terms' (William & Macdonald 1985: 230).

By 1930 the Government had compulsorily taken over and leased an area of 150 acres (60.7 hectares) to the BPC for mining, and another  $27\frac{3}{4}$  acres (11.2 hectares) for more building and machinery installations. The Banabans actions and protests now became unlawful as they tried to stand in the way of the Company mining any more land. Yet even with this in mind, the Banabans refused to give in, and as mining began women clung to their precious food trees so that the bulldozer would have to destroy them too.

The area under acquisition was Buakonikai the most fertile area on the island's central plateau. Here the Banabans food trees grew in abundance. Colony prisoners consisting mostly of nearby Gilbert Islanders were given a new role as acting policemen and under instructions by Grimble, tore the helpless women from their trees. Even the Banabans' attempts to approach representative of the BPC were met with armed constables (Binder 1977:83).



**Figure 1.5: Buakonikai Village before destruction by phosphate mining. Taken by Harry Maude 1932**

The Banabans now began a campaign of letter writing to the Secretary of State in London in an effort to tell the good King George what the BPC was doing to them. All this would fall on deaf ears. What is significant during this period is the actual intervention of the Government and the conflict of interests it surely represents. What is so apparent in the study and dissection of historical data and material relating to phosphate mining on Banaba is the loose terminology used to describe the BPC as the Company. It is important to remember that in fact the Company was the British Phosphate Commission, a consortium owned and administered by the three powerful governments of United Kingdom, Australia and New Zealand. This so called, Company had the power and backing behind it to have laws written and enacted as it saw fit for the financial and political benefit of each country involved. The realization that this presumably civilized Government authority, that was supposedly on the island to protect them and was now threatening to shoot them. This was a rude awaking for the Banabans as their land was forcibly taken from them.

Meanwhile the Company recorded that phosphate shipped from their two island possessions of Banaba and Nauru had '...risen from almost 365 0000 tons to 575 000, which was being put into ships at half the f.o.b. price... Over a million tons of processed fertilizers were being distributed by the manufacturers at an approximate cost per ton of £5 in Australia and between £4 10s and £5 10s in New Zealand...' (Williams & Macdonald 1985:239). But by 1930 other global events were in progress. Australia and New Zealand were now in the grip of a depression. The BPC used this period over the next few years to restructure and improve their operations. The depression had very little impact on the lifestyle of the European Company staff living on Banaba, and in

many cases staff were finding their working conditions on the island a welcome relief from the poverty being experienced back home.

### **Japanese invasion and the purchase of Rabi Island**

By December 1940 the presence of German raiders in the Pacific was beginning to take its toll especially when the Company's two prized vessels the *Triadic* and *Triaster* were sunk off Nauru. By January 1941 the effects of the sinking of the ships and the shelling of Nauru would see a reduction in Banaba's shipping estimates. Even with mining operations working around the clock the total shortfall in supplies to Australia and New Zealand would be 450 000 tons (Williams & Macdonald 1985:304). Another interesting development was going on behind the scene with the Commissioners feeling the pressure over reduced shipping rates, and pressure being place on them to stop supplying Japan until they were in the position to fully meet the demand of the partner countries. It was also surprising to see the British view of this situation at the time as being somewhat detached, as Colonial Office officials noted:

‘Australia and New Zealand politicians and businessmen were prone to show ‘an undue nervousness of the activities and capabilities of Japan in the Pacific,’ and that in pressing off the evacuation of European women and children from the phosphate islands they seemed to be inspired by ‘humanitarian rather than military considerations’ (Williams & Macdonald 1985:308).

While the BPC and Colonial Office were at odds and war was looming a fund, known as the Banaban Provident Fund had been set up in 1931 to buy the Banabans a new home. By 1940 the Government was actively searching for a suitable new island to accommodate them. But by 7 December 1941 the BPC had other problems to face as the Japanese attacked the US naval base in Hawaii. Three days later the BPC manager instructed staff to destroy the Company's equipment. By dawn the next day the island's jetties, mooring buoys, span chains, launches, boats and company records had all been destroyed (Sigrah & King 2001:242).

By the beginning of 1942, American intelligence was predicting that Japanese were about to push southward into the Pacific. It was decided to evacuate the BPC staff on Banaba aboard the French destroyer *Le Triomphant* which arrived on Banaba on 28 February. As the *Le Triomphant* set sail only hours later with 232 BPC staff and 823 Chinese labourers aboard, the acting Resident Commissioner Ron Third, and Lindsay Cole the BPC labour inspector who was in charge of the 713 I-Kiribati and Tuvaluan workers and their families decided to remain behind. The workers and the local Banaban population had no choice but to remain, and with very limited food rations left behind by the BPC, they returned to their food trees and the sea to provide their daily needs.

Not long after the evacuation on Banaba and the abandonment of phosphate mining, the Banabans were probably unaware of the official freehold purchase of Rabi Island in Fiji that had been made on their behalf from their own Provident funds for A£25,000. For the Banabans their first taste of freedom would only last eight months when the Japanese landed in the August of the same year. Life again on Banaba was about to change with the arrival of a garrison of 500 Japanese troops and 50 labourers. The new

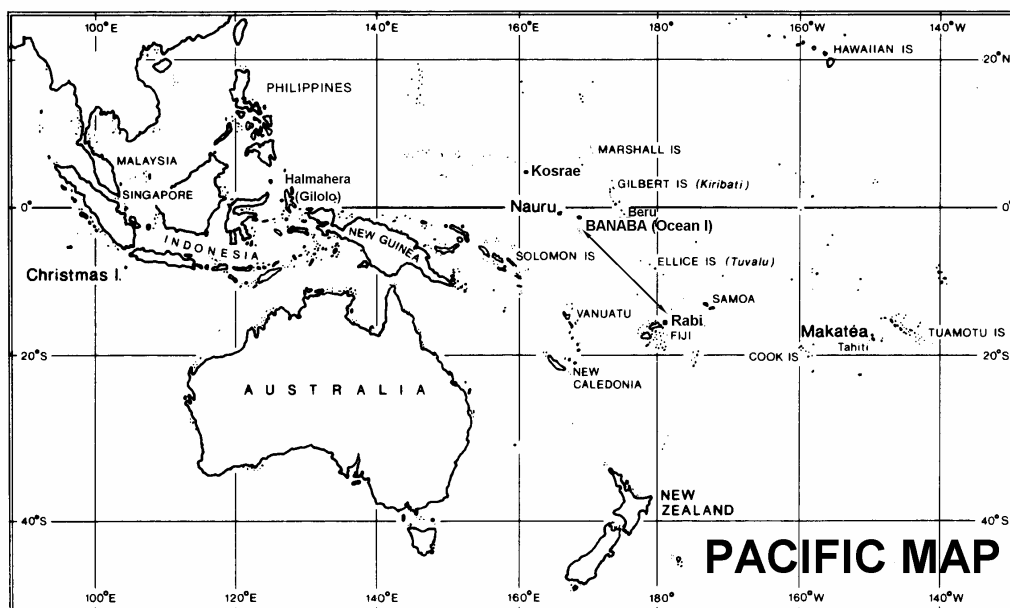
invaders quickly went about fortifying the island, murdering and starving to death many of the Banaban, I-Kiribati and Tuvaluan workers. While the BPC was already planning for the future rehabilitation of Banaban and Nauru and by December 1942 had issued the following statement, ‘...Chief Engineer Thompson was drafting a comprehensive report on headway being made for the rehabilitation of the islands, with plans in detail already on the drawing board’ (Williams & Macdonald 1985:323).

Staff from a Japanese company, Nanyo Kohatu Kabushiki Kaisa had been sent to Banaba to get the island power plants and mining operations up and running again. But because of the extent of BPC sabotage, their efforts were in vain. By 1943, a year after the invasion and with acute food shortages the Japanese removed all but 143 men from the island, sending the Banabans off to work in labour camps in Kosrae, Tarawa and Nauru. By the end of the war a total of 87 people had died from hunger or malnutrition, seven had perished at sea trying to escape the Japanese, three were beheaded, and 142 men were killed two days after the war was over. A total of 84 had died by other means while 82 suffered injuries, including beatings, breaking of backs and limbs, stabbing by bayonet and two reported case of rape. A total of 349 Banaban, I-Kiribati and Tuvaluan labourers had died or been murdered on Banaba during Japanese occupation (Sigrah & King 2001:256-257).

### **Exile from the homeland**

While Australian forces landed on Banaba on the 1 October 1945, Albert Ellis had arrived on the island to represent the British Phosphate Commissioners at the official Japanese surrender. Meanwhile the Banabans were brought together on Tarawa where Maude was there to meet them. Ellis was keen to take advantage of the situation and was already lobby the Colonial Office in Suva:

...while there is obviously a great advantage in the Banabans being transferred direct to Rabi... the matter will require careful handling. This opinion was shared by the New High Commissioner, Sir Alexander Grantham, who noted in a memorandum, ‘If we can persuade them not to go back to Ocean Island we shall be spared many headaches’ (Williams & Macdonald 1985:338).



**Figure 1.6: Banabans moved to Rabi Island, Fiji**

It was under these conditions and after nearly three years of maltreatment at the hands of the Japanese that the Banabans were confronted with the news that their villages and food trees had all been destroyed by the Japanese and that it would be impossible to reoccupy Banaba for at least two years. They were completely unaware that while they were being told they would not be able to return to their homeland, the BPC had rehired company staff and together with 49 I-Kiribati labourers arrived on Banaba on 10 October 1945 only 10 days after the Japanese surrender of Banaba to Australia troops (Sigrah & King 2001:262).

The only real option being afforded the Banabans was temporary resettlement on Rabi where they would be given food and housing, with a guarantee that they could return to their homeland after two years. If the Banabans refused the offer they were told that they would not be given any further financial assistance. It was under these circumstances and with the assistance of the BPC supplying one of their ships, the *SS Triona* that the Banabans were sent to Rabi more than 3,200km away in the Fiji Group. On 15 December 1945, 703 Banabans together with 300 Gilbertese arrived on Rabi in the middle of cyclone season with army tents to provide shelter and enough food rations to sustain them for two months. It was under these extreme and difficult conditions that Banabans arrived on Rabi where they had difficulty trying to settle in and adjust to their new island. Over the years that followed the Banabans became increasingly disillusioned and the level of discontent grew rapidly. By June 1946 a joint Fiji – High Commission mission was sent to Rabi to investigate reports that the Banaban community was ‘approaching sedition against the High Commissioner’ (Maude 1946:15). A report of their complaints was gathered which included uncertainty over land rights on Ocean Island and Rabi, loss of confidence in Major Kennedy, their Island manager who had been provided by the government, increasing incidences of sickness particularly, pulmonary troubles, diarrhea and measles, with the Banabans complaining they were having trouble with the damper climate. This was particularly the case with

the elderly, resulting in a total of 27 deaths. Also inadequacy of housing facilities, which they believed was aggravating sickness. A third of the community was still living in tents which were proving inadequate to withstand the climate and possible cyclones. Lack of food and the fact the Banabans had been prohibited from visiting neighboring Fijian communities. While the Banabans struggled to adjust to life on Rabi, the life on Banaba was a very different story.

### **The UK Court Case**

From this period mining quickly resumed with the Company now able to take over virtual control of not only the island's mining operations but also its inhabitants. The one concession was that the Banabans had been granted permission to have a representative on the island to ensure that there would be no encroachment onto Banaban lands that were not part of the current lease agreements. The representative's official role was to represent and protect the interests of the Banaban Landowners who had been moved to Rabi. It proved a difficult position as this lone Banaban liaised with the BPC and Colonial Office, which had all the backing and strength of the governments behind them. Over this prewar period from 1945 to 1979 five Banaban men undertook this important role; their names are listed in order of their engagements: 1. Kabanti, 2. Kaiekieki, 3. Abitiai, 4. Taungea, 5. Kirite



**Figure 1.7**

**Kaiekieki - Second Banaban Representative taken during his time on Banaba**

By 1965 the Banabans had come to the realization that the British government had no intentions of looking after their affairs. Frustrated by decades of constant disputes over their land leases back on Banaba and inadequate royalties they were receiving from the BPC they believed they had no other choice than to instigate legal proceedings.

By January 1974 the Banabans further extended their fight for justice by lodging a petition to the British Government for legal separation of Ocean Island (Banaba) from Gilbert and Ellice Island Colony. This quest for independence would fall on 'deaf ears' as the British once again washed their hands of the Banaban issue and handed over responsibility to the newly formed Council of Ministers. They would conclude that they considered Ocean Island 'an integral part of the Gilbert Islands, and added that it would oppose separation and independence for Ocean Island, either now or in the future' (Sigrah & King 2001:18).

### **Banabans arrive to take control of their island**



By 1977 while the Banabans took their case to an international level the Banaban Elders on Rabi decided to send 100 young men from Rabi to the homeland to regain the island and with the aim to halt mining by the BPC. The arrival of the Banaban contingent on the island had forced the Company and government’s hand by insisting that their group be given permission to land. Up until this period, any Banabans trying to visit their homeland had to have written approval by the Colonial Office. After reluctantly being given permission to land and receiving a ‘cool reception’ by the Company officials and staff who had been told by management ‘not to mix with these Banaban troublemakers’ (Lennon 1992). The Banabans began to set up a camp behind the previous site of Uma village on the south-east coast in an area known as Tabonwaba, meaning ‘Island Point’. Tensions on the island grew as the BPC and Colonial office brought in more I-Kiribati (Gilbertese) to act as local Island police and build up the police presence on the island. This was to ensure that the troublesome Banabans would be kept under control. During this period that the Company began to double up their production levels on the island while their team of lawyers countered the Banabans legal actions in London.

By 1979, with court proceedings still under way another contingent was sent from Rabi to reinforce the Banaban numbers on the homeland. The mood of the Banabans by this stage had become more defiant and radical in terms of their usually well mannered and gentle nature. Elders back on Rabi made a monumental decision to send this new contingent consisting of young Banabans prepared men and women to ‘die for the cause’ (Sigrav & King 2001:19). As tensions grew these young Banabans began to be arrested and beaten during various skirmishes.. This tension and the fatal injuring of one of their young men had only fueled the Banabans more as they made plans for a protest march targeted at the Company management to stop mining. Only hours before the planned action word came through from Tuvaluan (Ellice) labourers employed by the BPC that the I-Kiribati police had been issued side-arms and had been given orders to ‘shoot to kill’. It was only after Elders on Rabi received this news, and after much consideration they issued instructions for their people to ‘stand down’ (Teai 1997). The thought of their beloved homeland being turned into a killing ground for their young generation was abhorrent to them. From that moment they focused on the legal proceedings still underway in London and also took up another major challenge that would see them knocking on the doors of the United Nations in an effort to seek separation from the British and their Gilbert & Ellice Island Colony (GEIC). As the British planned to dissolve the GEIC and return sovereignty back to the people under the two new Island nations of Kiribati for the formerly Gilbert Island group and Tuvalu for the Ellice group.

All these cumulative actions would draw to an end and after 221 days and 10,000 documents had been examined in the British High Court case, the judge finally handed down his verdict on the Banaban case. He found that the BPC had;

...failed to keep their promise to replant the Banabans land. The Banabans should get damages but just how much he could not bring himself to say. This they must go away to settle with the British Phosphate Commission. For the failure to restore the ravaged land he said:

*“The damages shall not be token not minimal but not large.”*

He discounted the argument that nowadays mined land must legally be restored. However potent such arguments may be in political or social fields, they cannot affect the law of contract.

The second case on the breach of trust issue was finely balanced and could clearly have gone either way. Judge Megarry eventually decided the British Government was not, in fact, trustees for the Banabans. The British were therefore not technically liable for the injustices committed in their name and in the cause of immense millions of pounds’ profit from phosphate.

...The judge concluded with most usual recommendation:

“I am powerless to give the plaintiff any relief, but in litigation against the Crown I think a judge must direct attention to a wrong that he cannot right and leave it to the Crown to do what it considers proper. The Crown is traditionally the fountain of justice and justice is not confined to what is enforceable in the court. The question is not whether the Banaban should succeed as a matter of fairness or ethics or morality. I have no jurisdiction to make an award just because I conclude they have a raw deal.” (Binder 1977:165)

With the Court findings and public and parliamentary pressure, the BPC offered (provided the Banabans did not appeal in their action against the Crown) to set up a trust fund to produce a pension for the Banaban community (Sigrah & King 2001:19). It would take the Banabans another 4 years before they would accept the A\$10 million offered.

### **The last shipment of phosphate leaves Banaba**

At the same time the BPC had been under increasing pressure by various lobby groups supporting the Banabans cause and especially a BBC documentary that had gone to air in the United Kingdom, finally exposing the story to an unsuspecting public. With mounting public opinion building the BPC’s last shipment of phosphate left Banaba’s shores in the November 1979. As a final parting gesture and to show their appreciation to the newly emerging Kiribati nation, they donated all removable fittings and equipment to the Kiribati government (Teai 1997). This action resulted in further tension between the Banabans and the Kiribati government who they considered their new sovereign masters. BPC had reportedly done the right and honourable thing with this gesture, but in fact what it amounted to was the leaving of their mining machinery, plant and industrial debris behind on Banaba, saving them millions of dollars in rehabilitation or removal of asbestos laden facilities for the Banabans to live amongst. From the islands original 595 hectares (1,500 acres), only 61 hectares (150 acres) would remain unmined. Their final accelerated mining production had indeed proved very affective as now all that remained was mostly the ground under the buildings they had left behind. Even along the island’s roadways, mining encroached right to the edge of the bitumen and it was dangerous to wander away from these thoroughfares as the remaining razor-sharp coral pinnacles in certain areas of the island reached to 18 metres in depth. In the final defiant gesture by the Banabans and after seeing the island’s hospital completely stripped bare, except for the large operating light in the theatre which had refused to budge, they began to damage various items including medical equipment, medicines, machinery etc, not wanting to hand it over to the Kiribati government who were taking the spoils away to other islands throughout the group.

It is important to realize that these resulting actions undertaken by the Banabans and their negative outcomes were only as a result of the phosphate industry and the various ‘turning points’ or historical events chronicled in this study. These episodes or sequence of erroneous events set into action the building of a regime that would fully repress and silence the Banaban people over the 80 year period it took to mine Banaba of its phosphate, and undermine any efforts they made to try and decide their own future during the period and in the years that followed. The BPC in the auspices of the Colonial government had also deliberately built tension and rivalry between the Banabans nearby Island neighbours, the I-Kiribati in an effort to use them to do their dirty work and remain aloof in their handling of the continual ‘Banaban problem’ has it had become known over time.

### **Ongoing legacies and role of the international community**

Today more than 24 years since the cessation of mining on Banaba nothing has been done to rehabilitate the island. The Banabans live amongst the crumbling ruins left behind by the BPC and lack of water supply during persistent droughts is a major problem facing the community. During a 1997 visit to Banaba the population was around 500 people, now today it has dropped to around 250. There is no regular shipping to the island, no airstrip built, and except for what the islands’ surrounding reefs and waters provide, most food is imported. When the rain falls, Banaba is capable of producing green vegetables and crops. Today only a handful of food trees remain, not enough to sustain the Island’s community as it did over the centuries. The Banabans \$10m Trust Fund was published in UNESCO’s Banaban Report (Hindmarsh 2002) as expected to generate around F\$360,000 that year with an operating budget of just on F\$500,000 including add-ons of Fiji Government grants and other generated income and business charges. It also reported that it was not a lot of money when the Banabans were expected to run two islands 2,400 km apart, with a cost of around F\$14,000 per month to maintain public works for the Banabans currently resettled back on Banaba today. Over the past years the financial and physical situation on both islands has deteriorated rapidly. With no rehabilitation on Banaba, or development and much needed infrastructure on Rabi, survival for the Banabans is becoming increasing difficult. Even with experience in trying to organise various aid projects for both Banaban communities, it proves an extremely difficult task as aid has to be channeled through the two governments involved, Fiji for Rabi based projects, and Kiribati for those on Banaba. When approaches have been made in the past direct to the Australian government, the community status of the Banabans proves to be a major hurdle, blocking any direct approach to the governments involved in the BPC and mining of Banaba.

These legacies have to be addressed and other alternatives found that will finally bring about a level of closure for the Banabans and their future generations. As an Australian descendant of the Phosphateers it is imperative to raise the question, ‘when does the onus of responsibility end?’ As candidly summarised by a serving Australian diplomat in regard to the attitude of the Australian government towards the Banaban’s continued call for justice, he believed the issue was ‘dead and buried’ as far as the government was concerned. He also confirmed that the government wanted to keep the case ‘closed’ and was not keen for publicity on the issue. His frank and honest observations raise a very valid point and one that is also relevant to the other governments involved

in the Pacific Phosphate mining industry. The international community also has a level of responsibility to ensure that the basic human rights the Banabans have been denied for the past century are finally afforded them.

### **Conclusion and recommendations**

At the current rate of neglect and attrition the Banabans are experiencing, the need for lobbying and building public awareness at an international level is critical and cannot be delayed. While the governments concerned pride themselves on their human rights and democratic free societies, they also must be accountable for their past actions and present inactions that have so adversely impacted on the Banaban people. If the logical equation is that 450 Banabans stood in the way of an emerging industry worth billions, therefore naturally making them expendable, then surely in the scale of such insurmountable odds it is not unreasonable, or unaffordable to at least repair the damage these governments caused. The government of Japan also has to be included in any further actions and their onus of responsibility must also be brought to account, especially in regard to the forced removal of the Banabans from their homeland during their wartime invasion and subsequent occupation. With a Banaban population currently around 6,000 this type of positive outcome is not only achievable but also essential. Areas of address should include:

1. Investigate avenues for seeking compensation through the legal processes of the International courts.
2. International lobbying and media campaigns that would bring pressure to bear on the governments directly involved in the mining of Banaba.
3. Building networks with other International and Pacific bodies and organizations e.g. Amnesty International, Fiji Human Rights Commission, Greenpeace, Commonwealth Committee of Fiji, Mineral Policy Institute, Aidwatch, Pacific Concerns Resource Centre, Citizens' Constitutional Forum, UN of Minority Peoples, International Movement Against Discrimination and Racism.
4. Building public awareness campaigns highlighting areas of general concern e.g. human rights and environmental concerns.

The Banaban calls to rehabilitate their island is not unreasonable when you consider that Christmas Island, one of the other BPC possessions in the Indian Ocean and also mined for its phosphate is doing just that. In an article published in the 'Banaba/Ocean Island News' in 1995, Roger Hart stated that they were currently into their sixth year of operation of the Christmas Island Rainforest Rehabilitation Program (CIRRP) and seemed to be achieving good results. Here and unlikely alliance dubbed, 'this unholy triumvirate' consisted of the following central players, David Argyle, managing director of the Christmas Island Phosphate Mining company, Roger Hart, specialist field officer of the Australian Nature Conservation Agency (ANCA) and Lillian Oh, former Union Secretary. Hart said they all shared a common love of the Christmas Island environment, the only home of the stunningly beautiful Abbott's Booby bird and birthplace of millions of red crabs. It is indeed encouraging what can be achieved when alliances are made, however 'unlikely' they may appear while the conclusions offered in the article's footnote by Editor, who summed up the relevancy of the Banaban situation, 'the sad thing about the comparisons between Christmas and Banaba islands is the fact that

Christmas Island never had an indigenous population. It's amazing what effort has gone in to protecting the endangered species of Abbott's Booby bird. It would be interesting to find out just how many species were lost on Banaba over the years of mining.'

With all these objectives in mind and to ensure the future survival of the Banabans, proper support and sustainable resource development on Rabi and Banaba is also an essential part of the equation. As the United Nations Sub-Commission on the Promotion and Protection of Human Rights focuses on the phenomenon of globalization which they state, 'has attracted more significant global attention than perhaps any other issue in recent memory', the Banabans must also use these platforms to evoke their calls for 'accountability', 'justice' and 'onus of responsibility' on a global level. In this study we have identified key players and issues that clearly show the creation of illegal acts and dealings being tuned into 'so called' legal laws under the mantle of government interventions and what surely has been defined as gross acts of 'conflicts of interest'. Besides all else, it is clear in this study from the onset that an original population of only 450 Banabans was never going to stand in the way of the discovery of phosphate on their island. Amazingly because this whole episode of history has been labeled as 'progress' and 'good business' it masks the true fact that the Company's arrival and subsequent 'take over' of Banaba by what must be remembered was in fact the governments of United Kingdom, Australia and New Zealand is no less an aggressive act as was the Japanese invasion during WWII. These are the facts that need to be published, and not the re-writing and sanitizing of history to paint a picture that 'we want to hear'.

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