

The Legislature

The Constitution provides for a single chamber legislature, to be known as the Maneaba ni Maungatabu, of 35 elected members 85/ representing 23 electoral districts. 86/

A member of the Maneaba may be recalled by the electoral district from which he was elected provided that he is neither the Beretitenti nor otherwise a member of the Cabinet and he has been a member for more than six months from the date of his election. For the recall of a member it is necessary a) that a valid petition be presented to the Speaker by a majority of persons registered as voters in the electoral district at the time of the member's election and b) that in a subsequent referendum a majority of those qualified voters vote for the removal of that member. If a member is recalled, a by-election is to be held. If he is not recalled, no new action for his recall can be undertaken until six months have elapsed from the date of the referendum.

A Bill passed by the Maneaba ni Maungatabu becomes law after it has received the Beretitenti's assent. The Beretitenti may withhold his assent only if he is of the opinion that the Bill would be unconstitutional in which case he must refer the Bill back to the Maneaba for amendment. If when the Bill is again presented to the Beretitenti, he is still of the opinion that it is unconstitutional, he must refer the Bill to the High Court for a Declaration on its constitutionality. If the Court declares that the Bill would not be unconstitutional, the Beretitenti must assent to the Bill. Otherwise the Bill must be returned to the Maneaba.

Provision is made for the alteration of the Constitution. A Bill seeking to amend the Constitution may only be passed by the Maneaba if it is supported by a two-thirds majority of all its members. In addition if the Bill seeks to alter any provision relating to the protection of fundamental rights and freedoms, it must be submitted to referendum and a two thirds majority of registered voters must vote in favour of the proposed amendment. The clauses in the Constitution relating to the Banabans are also specially entrenched and can only be altered according to a procedure described below. 87/

The Maneaba is presided over by the Speaker who is elected by the members of the Maneaba. The Speaker shall not be a member of the Maneaba and shall not have a vote.

The Maneaba shall be dissolved if the government is defeated on a confidence vote and also at the completion of the Maneaba's full term of four years. No provision exists enabling the President to dissolve the legislature. A general election must be held within three months of the Maneaba's dissolution.

85/ If the Attorney-General is not already an elected member, he becomes a member of the Maneaba ex officio.

86/ If the Beretitenti represents a single member constituency there shall be 36 elected members and a by-election is to be held to elect one additional member

87/ see page 29.

The Judiciary

The Constitution provides for a High Court of Kiribati presided over by a Chief Justice who is appointed by the Beretitenti on the advice of the Cabinet after consultation with the Public Service Commission. 88/

Provision is made for the appointment of other Judges of the High Court if legislation is passed to that effect. Where no Judges are available to conduct the business of the Court, legally qualified Commissioners of the High Court may be appointed in their place. Both the Judges and the Commissioners of the High Court are appointed by the Beretitenti acting on the advice of the Chief Justice sitting with the Public Service Commission.

The High Court has original jurisdiction to hear and determine any question relating to the interpretation of the Constitution. Any person who alleges that any provision of the Constitution has been contravened and that his interests are, or are likely to be, affected by such contravention has the right to apply to the Court for a declaration and relief.

The Constitution authorizes the Maneaba to establish a Court of Appeal, either on an ad hoc basis from time to time, appointing judges of other jurisdictions or to submit appeals to Courts of Appeal of other Commonwealth countries or to a regional Court of Appeal if such a Court should be created. 89/ Appeals to the Judicial Committee of the Privy Council are discontinued except in respect of any question as to the infringement of the specific provisions of the Constitution relating to the Banabans.

Fundamental Rights and Freedoms

The independence constitution incorporates with some modifications the provisions on fundamental rights and freedoms of the individual set out in the 1975 Constitution. In addition more stringent provisions have been inserted concerning the power to declare a state of emergency. - A state of emergency declared by the Beretitenti on the advice of the Cabinet will automatically lapse unless the Beretitenti's proclamation is approved by the Maneaba within three days if the legislature is sitting or within thirty days if the Maneaba is not sitting and has to be reconvened for the purpose. - Persons detained without trial under emergency powers have the right to have their cases reviewed by an independent tribunal. 90/

88/ The Public Service Commission consists of a Chairman and four other Commissioners who are appointed, and can be removed by, the Beretitenti on the advice of the Speaker and Chief Justice acting jointly. The Commission advises the Beretitenti on the appointment of all government employees except where otherwise provided in the Constitution.

89/ For the time being at least appeals continue to lie to the Court of Appeal of Fiji.

90/ The tribunal is to consist of a Chairman appointed by the Chief Justice and two members appointed by the Chief Justice and the Public Service Commission.

The Constitution includes clauses granting protection against deprivation of property without compensation.

In a chapter containing a series of elaborate provisions concerning citizenship, the Constitution provides inter alia that any person of I-Kiribati descent - defined as a person one of whose ancestors was born in Kiribati before 1900 -- shall have the inalienable right to enter and reside in Kiribati and to become a Kiribati citizen. 91/

Special constitutional provisions for Banaba and the Banabans

The Constitution contains a series of provisions to safeguard the position of the Banabans after independence. Thus it is provided that in addition to any elected member or members for Banaba there shall be one seat in the Maneaba reserved for a representative of the Banaban community who will be nominated by the Rabi Council or such successor body as represents the Banaban community on Banaba and Rabi Island, Fiji. The requirement that candidates for election to the Maneaba must be Kiribati citizens is waived in the case of Banaban candidates for a constituency comprising or including Banaba. 92/

Provisions are also included to guarantee the right of Banabans residing in Rabi Island in Fiji over land on, and access to, Banaba.

A Banaba Island Council is to be constituted in accordance with legislation providing for local authorities. The Council's powers will include powers in relation to restriction of movement of persons into Banaba from elsewhere within the Gilbert Islands. Despite the abolition of appeals from Kiribati to the Judicial Committee of the Privy Council appeals continue to lie from the High Court to the Judicial Committee in respect of any question as to the infringement of the specific provisions in the Constitution relating to the Banabans.

Five years after independence an independent Commission of Enquiry shall be appointed to review the operation of the provisions of the Constitution specifically relating to the Banabans and to make recommendations which shall be presented to the Maneaba.

91/ This provision seems designed to enable the descendants of those Gilbertese who were victims of the labour traffic in the latter part of the XIXth century to acquire Kiribati citizenship if they so desire.

92/ The Constitution defines a "Banaban" as follows: "'Banaban' means the former indigenous inhabitants of Banaba and such other persons one of whose ancestors was born in Kiribati before 1900 as may now or hereafter be accepted as members of the Banaban community in accordance with custom."

The provisions relating to the Banabans are specially entrenched in the Constitution and can only be modified under an elaborate procedure. A Bill to amend those provisions must first be supported by a two thirds majority of all the members of the Maneaba. However if on the second reading either the nominated representative of the Banaban community or the elected member or members for Banaba cast their vote against the Bill the Bill shall fail. If the nominated representative of the Banaban community is not present at the vote, whether or not any elected member for Banaba is present, the Bill shall stand deferred to the next succeeding meeting of the Maneaba and the Rabi Council and the Banaba Island Council shall be informed of the deferral. In the next succeeding meeting of the Maneaba a further vote on second reading may be taken and if the Bill is passed by a two thirds majority, so long as the nominated representative of the Banaban community does not cast his vote against the Bill, it shall pass; if he does cast his vote against the Bill it shall fail.^{93/}

^{93/} At the Constitutional Conference the Chief Minister of the Gilbert Islands outlined further measures which his Government intended to take with regard to Banaba. The Gilbert Islands Government also expressed its readiness, in response to a suggestion by the Rabi Council representatives, to enter into discussions for the conclusion of a treaty with Fiji. Such treaty might provide for members of the Banaban community to make representations to the parties to the treaty in the event that their rights as expressed in the Constitution were being infringed or that the government of Kiribati had failed to carry out the other measures in favour of the Banaban community referred to above. The treaty might also contain provisions for the settlement of disputes.

VI. ECONOMIC CONDITIONS

The economy of the Gilbert Islands has been overwhelmingly dependent on the phosphate industry in Banaba (Ocean Island), which in 1977 accounted for 86.4 per cent of the total value of exports. Unfortunately it was estimated that the Ocean Island deposits would become exhausted in 1980, although the decision in 1975 to reduce production by over 25 per cent should help prolong production beyond that date. At the same time the present world glut of phosphates and the desire of the producing nations to maintain the present high price has prevented a major fall in phosphate revenues despite the reduction in the extraction rate. As mentioned above 94/ mining is carried out by the British Phosphate Commissioners who are appointed by, and responsible to, the governments of the United Kingdom, Australia and New Zealand. The proceeds of phosphate sales are divided according to a formula which gives the Banabans 15.12 per cent of the surplus and the Gilbert Islands Government 84.88 per cent.

The second most important export is copra from the coconut trees that cover the major part of the Gilbert Islands proper, some of the Phoenix and Southern Line Islands and much of Christmas Island and which are also an important source of food and drink. The low rainfall of nearly all the islands permits the production of good quality sun-dried copra, but the occurrence of droughts makes for a great annual fluctuation in the amount of copra yielded. In 1977, the last year for which official figures are available, copra accounted for over 13 per cent of the Territory's exports. 95/ With the prospect of an early exhaustion of the phosphate deposits in Banaba efforts are under way to increase the yield of copra per acre.

Virtually all the land in the Gilbert Islands group is owned by the islander in small peasant freeholds. 96/ Since 1917 the sale of freehold land to non-Gilbertese has been prohibited and government approval is required for any lease of land for a term longer than 99 years or for the lease of any parcel of land over ten acres if the lessee is a non-Gilbertese. Nor do landowners have an unrestricted right of disposal to other Gilbertese under customary law, now codified. Tenure is in the form of a life tenancy and the registered owner is rather in the position of a trustee for his family. The bulk of the estate of a registered owner must pass to his next of kin on his death and each child receives a share of the parents' land. This practice has led to excessive subdivision and to widespread fragmentation of the holding of individuals. As a result despite much land hunger the general standard of cultivation and development of coconut land has tended to be low. Attempts to consolidate land through the formation of Agricultural Co-operatives have so far produced minimal results.- Fragmentation has also resulted in incessant land litigation before the Land Magistrate Courts. 97/

94/ See supra chapter IV.

95/ Gilbert Islands Annual Report 1977, Chapter 5.

96/ For the situation in Banaba see supra Chapter IV.

97/ Gilbert Islands Annual Report 1977, Chapter 6.

There is little Crown land in the country except for Christmas Island which has no indigenous population and is owned by the state. Copra production there is under Government control. Fanning and Washington Islands in the Line group are the only freehold properties of any size belonging to non-indigenous owners. They are operated as commercial copra plantations by a subsidiary of Burns Philip Company of Australia.- There is also a United States base on Canton Island in the Phoenix group. 98/

Considerable hopes are placed on the development of marine resources, which at present play a negligible part in the economic life of the Territory. Effective 1 April 1978 a 200 mile exclusive economic zone was proclaimed around the Gilbert Islands while several fisheries development projects are under way with the long term objective of making the islands self-reliant through fisheries as a replacement for the declining phosphate industry.

The Territory's official currency prior to independence has been the Australian dollar. 99/ In 1977 total expenditures amounted to \$A 12.4 million while ordinary revenue totalled \$A 13.7 million including \$A 8.3 million from phosphate taxes.

Since 1970 assistance from the United Kingdom has been in the form of Development Aid Funds, which in 1978/79 amounted to \$A 4.8 million. Development projects are also being financed by the United Nations Development Programme and other United Nations Agencies, as well as by Australia and New Zealand. 100/

98/ Ibid., - The United States has had a long standing claim to eight Phoenix and six Line Islands. In 1939 an agreement was reached between Great Britain and the United States calling for a joint administration of Canton and Enderbury islands without prejudice to the question of sovereignty.- In those two islands the United States has built and maintains facilities for tracking satellites and missiles. Talks held in the early part of 1979 between representatives of the Gilbert Islands, the United Kingdom and the United States to discuss the status of the 14 islands, resulted in agreement on a draft treaty which is to be signed by the governments of Kiribati and of the United States on the accession of the Gilbert Islands to Independence. The treaty provides inter alia for the renunciation by the United States of its claims to the disputed islands.

99/ In June 1979 one \$A 1.00 equalled approximately \$US 1.12.

100/ A/AC.109/L.1293 para. 62.

There is also a Revenue Equalization Fund, instituted in 1956 with the object of providing a capital sum, accumulating with interest, against the time when the phosphate deposits become exhausted, for the equalization of revenue. The market value of the Fund at 31st December 1977 amounted to \$A 56 million. 101/

Owing to the importance of its phosphate exports the Gilbert Islands enjoy a favourable trade balance. 102/ In 1974 over 80 per cent of the exports went to Australia and New Zealand and 14 per cent to the United Kingdom. Of the country's imports over 50 per cent come from Australia, followed by the United Kingdom (12 per cent) and Japan (8 per cent).

At the Marlborough House Constitutional Conference the United Kingdom agreed to provide assistance to Kiribati in the period 1979-1982 including development aid up to £15.5 million and special financial assistance totalling \$A 9.1 million to meet agreed budgetary deficit. Consultations are to take place in 1982 to review progress in the Development Plan and to consider the level of further British aid in the succeeding period. 103/

101/ See Gilbert Islands Annual Report, 1977, Chapter 3.

102/ In 1977 the value of exports was over \$A 18.2 million while imports totalled some \$A 11.6 million.

103/ Report of the Gilbert Islands Constitutional Conference, annex E.

VII. SOCIAL AND EDUCATIONAL CONDITIONS

As elsewhere in the South Pacific the establishment of co-operatives has proved an important mechanism to facilitate marketing and credit in the Gilbert Islands. Total membership of co-operative societies stands around 20,000, an impressive number given the population of Kiribati. Virtually all the marketing of copra is carried out through co-operative societies.

According to the latest census taken in December 1973 the total number of Gilbertese of working age (15 years and over) was 26,335. Most of the Gilbertese are employed in subsistence agriculture. For those in the wage economy the main sources of employment are provided by the phosphate mines in Banaba, the copra plantations in the Line Islands, the central and local government, the Gilbert Islands Co-operative Federation and the Gilbert Islands Development Authority.- A sizeable number of Gilbertese, following a tradition developed during the last century, have sought employment abroad, in phosphate workings in Nauru, on some copra plantations and in the fishing industry in the New Hebrides, and on overseas ships.

Until recently unemployment as such could not be said to exist in the Gilbert Islands since every islander was an individual landowner but this is no longer the case owing to the steady population growth, the continuous movement of people into urban centres such as Tarawa and the increased expectations that result from greater literary and educational opportunities. As a result a serious unemployment problem looms ahead unless other sources of employment are found.

In 1977 there were seven registered trade-unions.

Total expenditure on health and welfare service in 1977 amounted to almost \$A 890,000, giving a per capita government expenditure of \$A 16.- There are three hospitals in Kiribati with a total of 279 beds. The main hospital is located in Tarawa, the capital, a second one, owned by the British Phosphate Commissioners, is in Banaba, and there is a small third one in Betio. Medical service is free. 104/

According to the 1977 report of the administering Power 96 per cent of the population aged 6 - 14 years were enrolled in schools. In that year all but six of the Missionary primary schools were absorbed into the government primary school system and the Government became responsible for the operation of those schools. It is expected that all primary education will be provided free by 1980.

Secondary education is provided by a government secondary school together with four mission schools (two Roman Catholic and two Protestant of which one is Seventh Day Adventist). The total number of students enrolled in March 1977 was 832.

104/ Gilbert Islands Annual Report, 1977, chapters 3 and 11.

Other educational institutions include a Teachers College at Tarawa responsible for all teacher training in the Gilbert Islands with a total enrollment of 73 in 1977; the Tarawa Technical Institute which offers inter alia clerical, engineering and carpentry courses and the Marine Training School at Betio which provides courses in the elements of seamanship.

Apart from local training provided in the three above-mentioned institutions, tertiary education and advanced in-service training are available overseas through scholarships and training grants. During 1977 a total of 77 students were in receipt of scholarships to study at universities, teacher training and technical colleges overseas, mainly in Fiji, Papua New Guinea, Australia, New Zealand and the United Kingdom.

The total expenditure in education for 1977 was \$A 2.3 million.

VIII. ACTION BY THE UNITED NATIONS

Consideration by the Special Committee on Decolonization

The Gilbert and Ellice Islands were originally included in the 1946 list of Non-Self-Governing Territories together with the Solomon Islands and Pitcairn as part of the Western Pacific High Commission Territories administered by the United Kingdom. 105/ In the 1962 list of Territories to which the Declaration on the Granting of Independence to Colonial Countries and Peoples applied, 106/ the Gilbert and Ellice Islands were listed as a separate Territory but the Special Committee charged with following up the implementation of the Declaration 107/ developed the practice of studying the situation in the Gilbert and Ellice Islands jointly with the Solomon Islands and Pitcairn. After the separation of the Ellice Islands from the Gilberts both the Gilbert Islands and Tuvalu became separate items in the Special Committee's agenda.

The Special Committee in a series of conclusions and recommendations adopted annually between 1964 and 1973 reaffirmed the right of the people in the Gilbert and Ellice Islands to self-determination and independence and reiterated the view that the question of their size, isolation and limited resources should in no way delay the speedy implementation of the Declaration on Decolonization to the Territory. - The Special Committee also urged the administering Power to speed up the constitutional evolution of the islands as well as the localization of the public service. The promulgation of the 1970 Constitution 108/ met with a critical reception in the Committee on the grounds that it did not transfer power to the people of the Territory and that the new Legislative Council lacked any effective powers of legislation. 109/

The Special Committee expressed frequent concern at what it regarded as the slow pace of economic, social and educational development in the Territory and called on the United Kingdom to accelerate progress in those fields and in particular to seek to diversify the economy of the islands to make them less dependent on the fast depleting phosphates on Ocean Island.

The Special Committee repeatedly requested the United Kingdom to allow a mission of the Special Committee to visit the islands for the purpose of acquiring first-hand information on the situation in the Territory and of assessing the needs and wishes of the people.

105/ General Assembly resolution 66 (I). - See Decolonization No. 6 of December 1975, Table I.

106/ Ibid., table III.

107/ Its full title is Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

108/ See supra pages 20 and 21.

109/ Official Records of the General Assembly, Twenty-seventh session, Supplement No. 23 (A/8723/Rev.1) Vol. IV, chap. XVII, section B.

The decision taken in 1971 by the United Kingdom to withdraw from participation in the work of the Special Committee was criticized by the Committee which considered that it had been deprived, as a consequence, of essential information on political developments in the Gilbert and Ellice Islands. The return of the United Kingdom to active participation on the Special Committee's activities decreed by the new Labour government in 1974 was in turn welcomed by the Committee.

The Special Committee also considered the question of Banaba and in 1968, 1974 and 1975 it granted hearings to the representatives of the Banaban community. In 1968 following an extensive discussion of the situation in the island 110/ the Special Committee 111/, without endorsing the Banabans' claim for separation, urged the administering Power to appoint immediately a commission to look into the demands and grievances of the Banaban people. The Committee expressed regret at the exclusion of the indigenous people from the management of phosphate operations in Ocean Island, and after recalling the right of peoples to permanent sovereignty over their natural wealth and resources it urged the United Kingdom government to give the indigenous inhabitants a direct role in the control and management of the phosphate industry and to defer its decision to accelerate the rate of phosphate extraction until a detailed study of the effects of such an accelerated extraction was carried out by the Secretary-General with the co-operation of the administering Power. The Committee also expressed regret at the existence of a colour bar on Ocean Island imposed by the British Phosphate Commissioners and urged the administering Power to take effective measures to remedy the situation immediately. 112/ The Committee noted with appreciation the statement by the Chief Elected Member of the Gilbert and Ellice Islands, who had also appeared as a petitioner before the Committee, that he would welcome a visiting mission to the Territory and requested the administering Power to facilitate such a visit. The visit did not, in fact, materialize until 1974 when the Special Committee accepted an invitation from the British government to observe the referendum in the Ellice Islands on their separation from the Gilberts, it being understood that the Visiting Mission would also be given the opportunity of obtaining first-hand information on conditions in the Territory as a whole.

110/ A/AC.109/SR 605-608

111/ Decision adopted on 11 July 1976, Official Records of the General Assembly, Twenty-third Session, (A/7200/Rev.1) chap. XVIII, Annexes, Section B.

112/ The existence of a system of racial segregation in Ocean Island under which people were classified into three racial groups - Europeans, Chinese and Natives, - was brought to the Special Committee's attention by the representatives of the Banabans (A/AC.109/SR 606) and acknowledged by the Chief Elected Member of the Gilbert and Ellice Islands (A/AC.109/SR 607). The representative of the administering Power, in reply, pointed out that under the 1967 Constitution all forms of discrimination had been outlawed in the Territory (A/AC.109/PV.608).

In its report the Visiting Mission concluded that, as the referendum results bore out, there existed among the Ellice Islanders "an overwhelming desire for separation". 113/ The Mission also took note of the statement by the Chief Minister of the Gilbert and Ellice Islands that the issue of separation should be decided by the Ellice Islanders themselves and that the Gilbertese would not stand in their way. 114/ The Mission also made a series of recommendations regarding the constitutional, economic and social development of the Territory. The Special Committee took note of the Mission's report in a resolution adopted on 13 November 1974. 115/

Between 1975 and 1978 as it became clear that the Gilbert Islands were proceeding steadily towards independence the Special Committee focussed its attention on the need to diversify the economy of the Territory in preparation for the time when the phosphate deposits in Banaba became exhausted.

In its final decision on the question of the Gilbert Islands adopted in June 1979 116/ the Special Committee inter alia commended the United Kingdom Government for facilitating the independence of the peoples of the Gilbert Islands and for its decision to provide substantial aid to the government of Kiribati after independence; welcomed the decision of the Constitutional Conference to make provision for safeguarding the rights and interests of the Banaban community and noted with interest the continuing efforts of the Government of the Gilbert Islands and the Banaban community to resolve their remaining differences prior to independence with the assistance of the Prime Minister of Fiji.

Action by the General Assembly

The General Assembly considered the question of the Gilbert Islands in the context of its annual discussion of the report of the Special Committee on Decolonization. Beginning in 1965 and up to 1973 the Assembly adopted a series of resolutions concerning a variety of small territories in the Caribbean, the Atlantic and Indian Oceans and the Pacific including the Gilbert and Ellice Islands. 117/ The resolutions inter alia called upon the administering Powers to implement without delay the relevant resolutions of the General Assembly and the Declaration on Decolonization in particular; reaffirmed that questions of territorial size, geographical isolation and limited resources should in no way delay the implementation of the Declaration; deprecated any attempt aimed at the partial or total disruption of the national unity and territorial integrity of colonial Territories; urged the administering Powers to guarantee effectively the rights of the people of those Territories to own and dispose of their natural resources; and called upon those Powers to reconsider their attitude towards receiving United Nations visiting missions to the territories under their administration.

113/ Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1), Volume V, chap. XXI, Annex I, para. 303.

114/ Ibid., para. 124.

115/ A/AC.109/472

116/ A/AC.109/L.1307 adopted at the 1147th meeting of the Special Committee on 22 June 1979. The decision is reproduced in Annex II below.

117/ See resolutions 2069 (XX), 2232 (XXI), 2357 (XXII), 2430 (XXIII), 2592 (XXIV), 2709 (XXV), 2869 (XXVI), 2984 (XXVII) and 3156 (XXVIII).

In 1974 following the report of the Visiting Mission the General Assembly adopted a resolution 118/ approving the Mission's report, reaffirming the inalienable right of the people of the Gilbert and Ellice Islands to self-determination and independence and requesting the administering Power to continue to enlist the assistance of the specialized agencies and the organizations within the United Nations system in the development and strengthening of the economy of the islands. After the separation of the Ellice Islands, the General Assembly adopted in 1975 and 1976 resolutions 119/ concerning the Gilbert Islands essentially reaffirming the 1974 resolution.

In its last resolution on the Gilbert Islands adopted at its thirty-second session, 120/ the General Assembly inter alia noted with satisfaction the introduction of full internal self-government in the Territory, and expressed the hope that the 1978 Constitutional Conference would lead to the independence of the Gilbert Islands in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples and that the Constitution to be agreed upon would respect the special rights and interests of the Banaban community.

118/ Resolution 3288 (XXIX)

119/ Resolutions 3426 (XXX) and 31/47.

120/ Resolution 32/23 reproduced in Annex I below.- The General Assembly decided in 1978 to defer consideration of the question of the Gilbert Islands (Decision 34/413).

ANNEX I

GENERAL ASSEMBLY RESOLUTION 32/23

The General Assembly,

Having considered the question of the Gilbert Islands,

Having examined the relevant chapters of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, 1/

Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Having heard the statement of the administering Power relating to developments in the Territory, 2/

Noting with satisfaction that the Gilbert Islands attained full internal self-government on 1 January 1977, to be followed by a general election to be held no later than 13 August 1978 and by a constitutional conference prior to independence,

Noting further that the constitutional conference to be held in preparation for independence, to which representatives of the Banaban community will be invited, will take into account the special rights and interests of the Banaban community,

Bearing in mind that the phosphate resources of the Territory will soon be exhausted,

1. Approves the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Gilbert Islands; 3/

2. Reaffirms the inalienable right of the people of the Gilbert Islands to self-determination and independence in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples;

1/ A/32/23 (Part II), chap. III A/32/23/Add.4, chap. XIX.

2/ A/C.4/32/SR.12, paras. 12-21.

3/ A/32/23/Add.4, chap. XIX.

3. Expresses the hope that the constitutional conference will lead to independence for the Gilbert Islands in accordance with the Declaration and that the constitution to be agreed upon will respect the special rights and interests of the Banaban community;

4. Requests that steps be taken towards diversifying the economy of the Territory and that the administering Power continue to enlist the assistance of the specialized agencies and other organizations within the United Nations system, as well as of regional bodies, in the development and strengthening of the economy of the Territory;

5. Requests the Special Committee to continue to seek the best ways and means for the implementation of the Declaration with respect to the Gilbert Islands, including the possible dispatch of a further visiting mission in consultation with the administering Power, and to report to the General Assembly at its thirty-third session on the implementation of the present resolution.

ANNEX II

RECOMMENDATION ADOPTED ON 15 JUNE 1979
BY THE SPECIAL COMMITTEE ON THE SITUATION WITH
REGARD TO THE IMPLEMENTATION OF THE DECLARATION
ON THE GRANTING OF INDEPENDENCE TO COLONIAL
COUNTRIES AND PEOPLES

- (1) The Special Committee notes with satisfaction that the Gilbert Islands will achieve its independence on 12 July 1979, as the State of Kiribati, in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960.
- (2) The Special Committee commends the administering Power for facilitating the independence of the peoples of the Gilbert Islands. It further expresses the hope that the future of all the islands of the Territory will be resolved prior to its accession to independence, so that the Territory will move to independence as a unified State.
- (3) The Special Committee notes that at the Constitutional Conference held at London in 1978, it was decided that the Territory should proceed to independence as presently constituted.
- (4) The Special Committee, aware that the Constitutional Conference did not fully resolve all outstanding issues relating to Banaba, nevertheless welcomes the decision of the Conference to make provision for safeguarding the rights and interests of the Banaban community.
- (5) The Special Committee considers that it is for the parties principal to resolve their differences and is of the view that a sympathetic appreciation of the rights of the parties involved will help lead to a just and lasting solution.
- (6) The Special Committee accordingly notes with interest the continuing efforts of the Government of the Gilbert Islands and the Banaban community to resolve their remaining differences prior to independence. In this regard it notes with appreciation the continuing contribution of the Prime Minister of Fiji.
- (7) Concerning the economic future of the Territory, and in the light of the imminent exhaustion of the phosphate deposits on Banaba, the Special Committee reiterates the need for priority measures to continue to be taken to diversify the economy of the Gilbert Islands.
- (8) The Special Committee notes with satisfaction the decision of the Government of the United Kingdom of Great Britain and Northern Ireland to provide in the period up to 31 December 1982, development aid up to £15.5 million, special financial assistance totalling £5.3 million to support the budget and continuing support to the Government of Kiribati in the form of a technical co-operation programme. The Committee also welcomes the various other programmes of assistance being rendered by the Governments of Australia and New Zealand, and notes with satisfaction that the United Nations Development Programme (UNDP) has increased its assistance programme for the period 1977-1981.
- (9) The Special Committee warmly congratulates the people and Government of the Gilbert Islands upon their decision to move to independence and wishes them peace and prosperity in their newly acquired status.

ANNEX III

LETTER DATED 5TH AUGUST 1928 BY THE BRITISH RESIDENT
COMMISSIONER OF THE GILBERT AND ELLICE ISLANDS ADDRESSED
TO THE INHABITANTS OF BUAKONIKAI VILLAGE IN OCEAN ISLAND

"To the People of Buakonikai, Greetings. You understand that the Resident Commissioner cannot again discuss with you at present as you have shamed his Important Chief, the Chief of the Empire, when he was fully aware of your views and your strong request to him and he had granted your request and restrained his anger and restored the old rate to you-yet you threw away and trampled upon his kindness. The Chief has given up and so has his servant the Resident Commissioner because you have offended him by rejecting his kindnesses to you. Because of this I am not writing to you in my capacity as Resident Commissioner but I will put my views as from your long-standing friend Mr. Grimble who is truly your father, who has aggrieved you during this frightening day which is pressing upon you when you must choose LIFE or DEATH. I will explain my above statement:-

"POINTS FOR LIFE. If you sign the Agreement here is the life:- (1) Your offence in shaming the Important Chief will be forgiven and you will not be punished; (2) The area of the land to be taken will be well known, that is only 150 acres, that will be part of the Agreement; (3) The amount of the money to be received will be properly understood and the Company will be bound to pay you, that will be part of the Agreement.

"POINTS FOR DEATH. If you do not sign the Agreement:- (1) Do you think that your lands will not go? Do not be blind. Your land will be compulsorily acquired for the Empire. If there is no Agreement who then will know the area of the lands to be taken? If there is no Agreement where will the mining stop? If there is no Agreement what lands will remain unmined? I tell you the truth- if there is no Agreement the limits of the compulsorily acquired lands on Ocean Island will not be known. (2) And your land will be compulsorily acquired at any old price. How many pence per ton? I do not know. It will not be 10 1/2d. Far from it. How many pounds per acre? I do not know. It will not be £150. Far from it. What price will be paid for coconut trees cut down outside the area? I know well that it will remain at only £1. Mining will be indiscriminate on your lands and the money you receive will be also indiscriminate. And what will happen to your children and your grandchildren if your lands are chopped up by mining and you have no money in the Bank? Therefore because of my great sympathy for you I ask you to consider what I have said now that the day has come when you must choose LIFE or DEATH. There is nothing more to say. If you choose suicide then I am very sorry for you but what more can I do for you as I have done all I can. I am, your loving friend and father, Arthur Grimble.

"P.S. You will be called to the signing of the Agreement by the Resident Commissioner on Tuesday next, the 7th August, and if everyone signs the Agreement, the Banabans will not be punished for shaming the Important Chief and their serious misconduct will be forgiven. If the Agreement is not signed consideration will be given to punishing the Banabans. And the destruction of Buakonikai Village must also be considered to make room for mining if there is no Agreement."

ANNEX IV.

UNITED NATIONS DOCUMENTARY REFERENCES

REPORTS OF THE SPECIAL COMMITTEE ON THE
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(A/7200/Rev.1), chap. XVIII.

Annexes

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(A/7320 and Add.1).

Appendix VI. Economic conditions in the Gilbert Islands
with particular reference to foreign eco-
nomic interests (exploitation of phosphates
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- 1970 Ibid., Twenty-fifth Session, Supplement No. 23 (A/8023/Rev.1),
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- Annexes
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- Annexes
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- Annex. Working paper prepared by the Secretariat
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- Annexes
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- Annex. Working paper prepared by the Secretariat
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- Annex. Working paper prepared by the Secretariat

1977 Ibid., Thirty-second Session, Supplement No. 23 (A/32/23/Rev.1),
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Annexes

- I. Working paper prepared by the Secretariat
- II. Letter from Fiji
- III. Letter from the United Kingdom of Great Britain
and Northern Ireland

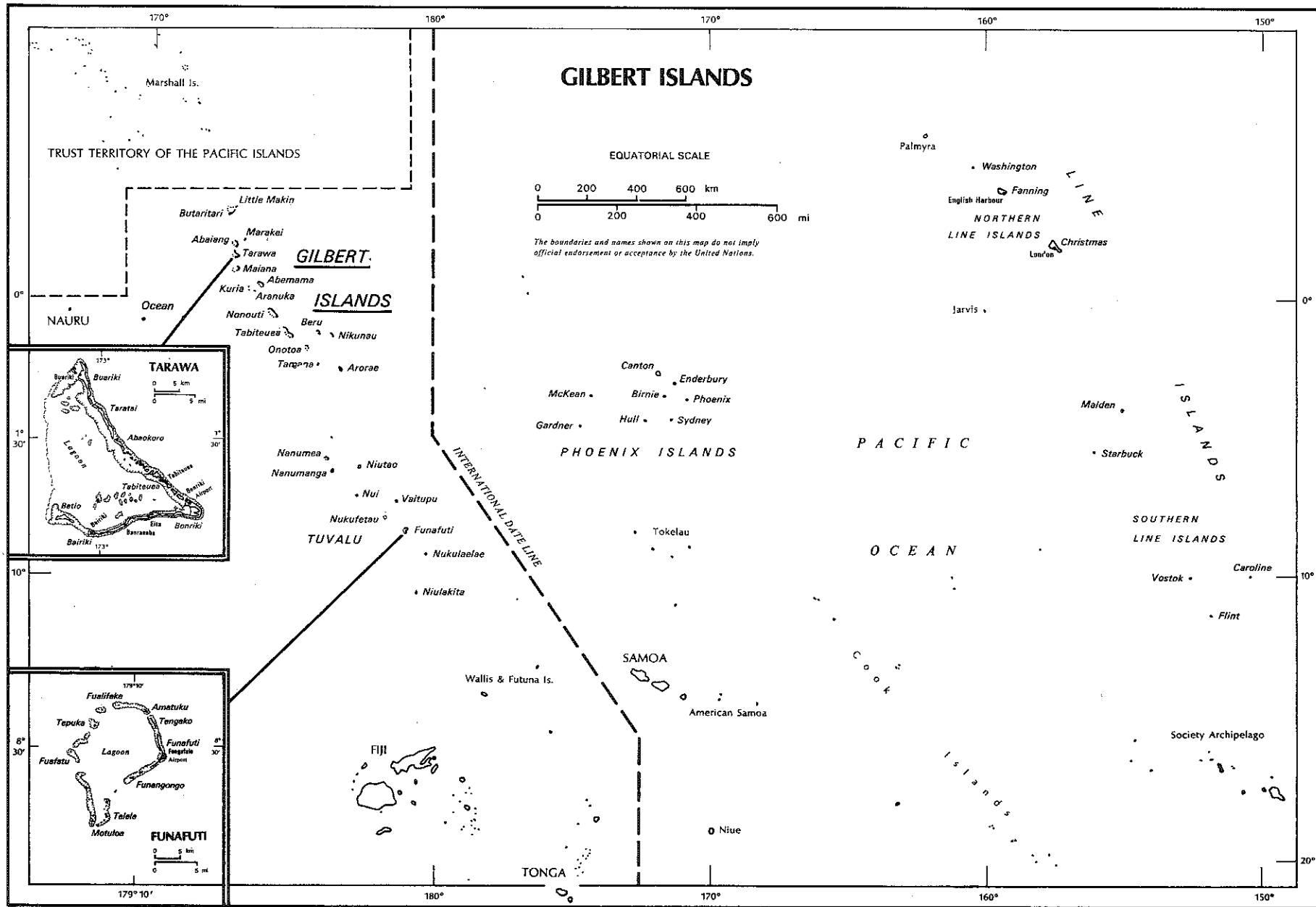
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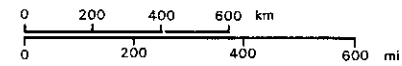
Resolutions Adopted by the General Assembly

<u>Resolution Number</u>	<u>Date of Adoption</u>	<u>Plenary Meeting</u>
2069 (XX)	16 December 1965	1398
2232 (XXI)	20 December 1966	1500
2357 (XXII)	19 December 1967	1641
2430 (XXIII)	18 December 1968	1747
2592 (XXIV)	16 December 1969	1835
2709 (XXV)	14 December 1970	1929
2869 (XXVI)	20 December 1971	2028
2984 (XXVII)	14 December 1972	2110
3156 (XXVIII)	14 December 1973	2202
3288 (XXIX)	13 December 1974	2318
3426 (XXX)	8 December 1975	2431
31/47	1 December 1976	85
32/23	28 November 1977	83
<u>Decision Number</u>		
33/413	13 December 1978	81



GILBERT ISLANDS

EQUATORIAL SCALE



The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations.

LINE ISLANDS
 NORTHERN LINE ISLANDS
 CHRISTMAS ISLANDS
 PALMYRA
 WASHINGTON
 FANNING
 ENGLISH HARBOUR
 JARVIS
 MALDEN
 STARBUCK
 VOSTOK
 CAROLINE
 FLINT
 SOCIETY ARCHIPELAGO

PHOENIX ISLANDS
 CANTON
 ENDERBURY
 BIRNIE
 PHOENIX
 HULL
 SYDNEY
 GARDNER
 TONGA
 NIUE

PACIFIC OCEAN
 COOK ISLANDS

TRUST TERRITORY OF THE PACIFIC ISLANDS
 MARSHALL IS.
 BUTARITARI
 LITTLE MAKIN
 MARAKAI
 ABAIANG
 TARAWA
 MAIANA
 ABEMAMA
 KURIA
 ARANUKA
 NANOUTI
 BERU
 NIKUNOU
 TABITEUEA
 ONOTOE
 TARENGA
 ARORAE
 NANUMEA
 NIUTOA
 NANUMANGA
 NUI
 VAITUPU
 NUKUFETAU
 FUNAFUTI
 NUKULAEALAE
 NIULAKITA
 WALLIS & FUTUNA IS.
 FIJI
 TONGA

