

PACIFIC CURRENTS

The Resettlement of Nauruans in Australia

*An Early Case of Failed Environmental Migration**

There is a growing consensus that the earth's climate is changing. Scientists have documented rising sea levels and air temperatures, disruption to rainfall and the widespread melting of glaciers and polar ice caps.¹ With the extent of climate change still being debated, plans for proactive migration of human populations are emerging, particularly among small island states.² Many Pacific Islands, including several low-lying atoll states, are at risk of flooding from rising sea-levels and more frequent storms.³ It has been predicted that by 2050 up to 200 million people globally will be displaced from their homes due to coastal flooding, severe hurricanes, disruption to rainfall and increases in average air and ocean temperatures.⁴ Many environmental migrants will cross international borders.

Environmental change, whether from climatic or other causes, is increasingly being regarded as a major push-factor in global migration flows, and the scale of environmental migration is expected to rise significantly over the coming decades.⁵ Yet our knowledge of the causality between environmental change and migration remains limited.⁶ Migration is a multi-causal phenomenon, and environmental change just one of many interrelated factors that influence an individual's decision to relocate.⁷ The migration responses to environmental pressures are also highly varied, depending on whether the migration is environmentally forced or merely induced in less impelling circumstances, and on whether relocation is possible internally or only internationally.⁸ The extent of future relocation needs in the Pacific is difficult to assess, in part because early

*The authors would like to thank Lionel Aingimea, Katy LeRoy and the anonymous reviewers for their helpful comments on a draft of this paper.

¹ Intergovernmental Panel on Climate Change, *Climate Change 2007: synthesis report* (Geneva 2007).

² John Campbell, 'Climate change and population movement in Pacific Island countries', in Bruce Burston (ed.), *Climate Change and Migration: South Pacific perspectives* (Wellington 2010). For example, in 2005, President Anote Tong of Kiribati spoke before the 60th Session of the United Nations General Assembly on the need of atoll countries to consider relocation of their populations. In 2008, President Nasheed of Maldives announced his country's 'Safer Islands Plan', identifying possible relocation of the Maldives population to India or Iceland: Koko Warner *et al.*, *In Search of Shelter: mapping the effects of climate change on human migration and displacement* (Bonn 2009), 18–19.

³ Robert Nicholls and Richard Tol, 'Impacts and responses to sea-level rise: a global analysis of the SRES scenarios over the twenty-first century', *Philosophical Transactions of the Royal Society*, 364 (2006), 1073–95.

⁴ Norman Myers and Jennifer Kent, *Environmental Exodus: an emergent crisis in the global arena* (Washington DC 1995); Nicolas Stern, *The Economics of Climate Change: The Stern Review* (Cambridge 2007).

⁵ International Organization for Migration, *Migration, Climate Change and the Environment: IOM policy brief* (Geneva 2009). Some estimates range as high as one billion environmental migrants, but these figures have been described as guesswork: Richard Black *et al.*, *Demographics and Climate Change: future trends and their policy implications for migration* (Brighton 2008), 5.

⁶ Graeme Hugo, 'Environmental concerns and international migration', *International Migration Review*, 30:1 (1996), 105–31.

⁷ Black *et al.*, *Demographics and Climate Change*, 7.

⁸ Campbell, 'Climate change and population movement'.

opportunities for gradual labour migration to developed states on the Pacific Rim may avert the need for mass resettlement in a more distant future.⁹

This paper is a case study of the relationship between environmental degradation and migration in the Pacific, focusing on the proposal to resettle the entire population of Nauru to Australia in the 1960s. The proposal was made in the wake of six decades of phosphate mining, which had destroyed the amenity and habitability of a large portion of this small island state. Yet, despite extensive environmental damage in Nauru, the Australian resettlement proposal was ultimately unsuccessful. The Nauruan situation stands in marked contrast to the relocation of the inhabitants of a nearby Pacific phosphate island, Banaba (Ocean Island), in somewhat similar circumstances some 15 years earlier. The Banabans were relocated from one British colony to another when they moved from the Gilbert and Ellice Islands (now Kiribati) to Rabi Island within the Colony of Fiji in 1945, albeit in circumstances that are not regarded as an unequivocal success.¹⁰

In comparison with the relocation of the Banabans and other Pacific Island communities, the proposed resettlement of Nauruans to Australia is surprisingly understudied.¹¹ The modest literature on the subject generally discusses the resettlement plans only in passing. For example, in a contemporaneous account of Nauru's independence in 1968, J.W. Davidson stated that, between 1956 and 1964, the Nauruan leaders favoured resettlement of their entire community in, or close to, Australia. However, when they realised they could not obtain sovereignty over any suitable area, and that it would be difficult to preserve Nauruan identity, they sought full independence instead.¹² In a detailed study of the environmental destruction of Nauru while under international trusteeship, Christopher Weeramantry noted that Australia's assimilationist migration policy, under which the Nauruans might lose their cohesiveness as a people, was another important determinant of Nauru's response.¹³ Helen Hughes has suggested that racism was a major reason for Nauru's rejection of the offer, after the Nauruans were subjected to racist remarks while inspecting proposed resettlement sites at the invitation of the Australian government.¹⁴ It has also been claimed that the Banaban experience was a factor in the decision of the Nauruans to reject the offer of resettlement put to them by Australia in the 1960s.¹⁵ While Stewart Firth has noted that the Banabans were resettled on an undeveloped island in a 'frustrating exile' without the full compensation they had sought,¹⁶ the impact of that experience on the Nauruans has

⁹Richard Bedford and Charlotte Bedford, 'International migration and climate change: a post-Copenhagen perspective on options for Kiribati and Tuvalu,' in Bruce Burston (ed.), *Climate Change and Migration: South Pacific perspectives* (Wellington 2010), 125.

¹⁰M. Silverman, 'Making sense: a study of a Banaban meeting' in Michael Lieber (ed.), *Exiles and Migrants in Oceania* (Honolulu 1977), 121–60; Elfriede Hermann, 'Emotions, agency and the dis/placed self of the Banabans in Fiji', in Toon van Meijl and Jelle Miedema (eds), *Shifting Images of Identity in the Pacific* (Leiden 2004), 191–218.

¹¹On the former, see Michael Lieber (ed.), *Exiles and Migrants in Oceania* (Honolulu 1977); Teresia Teaiwa, 'Bikinis and other S/Pacific N/Oceans', in David Hanlon and Geoffrey White (eds), *Voyaging through the Contemporary Pacific* (Lanham 2000), 91–112; Robyn Iredale, Charles Hawksley and Stephen Castles (eds), *Migration in the Asia Pacific: Population, Settlement and Citizenship Issues* (Cheltenham 2003).

¹²J.W. Davidson, 'The Republic of Nauru', *Journal of Pacific History*, 3 (1968), 145–50.

¹³Christopher Weeramantry, *Nauru: environmental damage under international trusteeship* (Melbourne 1992), 287–90. The book summarises a ten-volume 'Report of the Commission of Inquiry on the Rehabilitation of Phosphate Lands in Nauru', which was presented to the Government of Nauru in 1988.

¹⁴Helen Hughes, 'From riches to rags: what are Nauru's options and how can Australia help?', *Centre for Independent Studies: Issue Analysis*, 50 (2004), 3.

¹⁵Dominic Collins, *Forced Migration and Resettlement in the Pacific: development of a model addressing the resettlement of forced migrants in the Pacific Islands region from analysis of the Banaban and Bikinian cases* (Christchurch 2009), 36.

¹⁶Stewart Firth, 'German labour policy in Nauru and Angaur, 1906–1914', *Journal of Pacific History*, 13 (1978), 37. The Banaban claims for compensation and rehabilitation of their island were subject to lengthy litigation in the United Kingdom: *Tito v. Waddell* (No. 2) [1977] 3 All ER 129.

not been firmly established. This paper examines these issues in the context of the environmental degradation that provided the impetus to move.

Historical material on the resettlement issue has been derived from five principal sources: (1) the reports made to the United Nations General Assembly by the United Nations Trusteeship Council, which was charged with ultimate responsibility for administration and supervision of Trust Territories such as Nauru;¹⁷ (2) the reports made to the United Nations Trusteeship Council by six Visiting Missions which gathered first-hand experience of Nauru between 1950 and 1965; (3) materials collected in the course of the legal action that Nauru commenced against Australia in the International Court of Justice in 1989;¹⁸ (4) contemporaneous accounts from Australian and foreign newspapers; and (5) archival material on the Nauru resettlement held in the Queensland State Archives.¹⁹ The archival research was particularly helpful in shedding light on the inspection of islands off the Queensland coast by a Nauruan delegation in 1962.

The paper is structured as follows. Part I considers the historical background to the colonisation of Nauru, the exploitation of its phosphate resources by successive foreign powers, and the impact of phosphate mining on Nauru's physical environment. Part II examines the origins of the resettlement offer and the alternative migration paradigms that were canvassed at the time, including incremental migration flows and wholesale resettlement. Part III considers resettlement sites that were proposed in Fiji, Papua New Guinea and Australia. The most promising of those sites was Curtis Island, off the Queensland coast, which was canvassed for a time as the 'New Nauru'. Part IV addresses the question of why Nauru ultimately rejected the possibility of a 'New Nauru', despite extensive environmental degradation at home. It considers the role of national identity, Australian racism, and control of a vital economic resource as critical impediments to successful resettlement. The concluding Part reflects on the significance of the Nauruans' failed resettlement in Australia for the future of forced environmental migrations in the Pacific.

I: Trusteeship, Exploitation and Environmental Degradation

Nauru is an island nation in the western Pacific Ocean, less than 50 km south of the equator (see Figure 1). It is the world's smallest republic, a founding member of the Pacific Islands Forum and (since 1999) a member of the United Nations. It is oval-shaped, with a land area of 21 km² circumscribed by a narrow coastal strip some 150–300 metres wide. Most of the population lives along the coast, although one inland district (Buada) is home to about 700 people. The interior of the island, called 'Topside', is a plateau occupying 80% of the island and is the location of Nauru's phosphate deposits. In its heyday, Nauru possessed one of the world's highest-grade deposits of phosphate, containing 85–88% tricalcium phosphate.²⁰ In 1934, Nauru's phosphate reserves were estimated at 50 million tons.²¹ The primary deposits have now been exhausted, but secondary mining of marginal deposits is expected to continue for many years.

¹⁷ *Charter of the United Nations* 1945, Art 75–91.

¹⁸ International Court of Justice, *Certain Phosphate Lands in Nauru (Nauru v. Australia)*, *Memorial of the Republic of Nauru* (The Hague 1990); International Court of Justice, *Certain Phosphate Lands in Nauru (Nauru v. Australia)*, *Counter-Memorial of the Government of Australia* (The Hague 1993). See www.icj-cij.org (accessed 24 Nov. 2011).

¹⁹ Queensland State Archives, Brisbane (hereinafter QSA): (1) *Transfer of the Nauruans* (File–Correspondence, Aboriginal and Torres Strait Islander) Series ID 505, Item ID 502374, 22/01/1962–07/09/1964; (2) *Nauruans — Resettlement in Australia*, Series ID 5213, Item ID 842358, 22/01/1962–22/03/1965

²⁰ Bharat Dogra, 'Misery amidst mineral wealth', *Economic and Political Weekly*, 32:4 (1997), 146.

²¹ Harriet Moore and Marian Cannon, 'Pacific mandates: asset or liability', *Far Eastern Survey*, 5:5 (1936), 44.

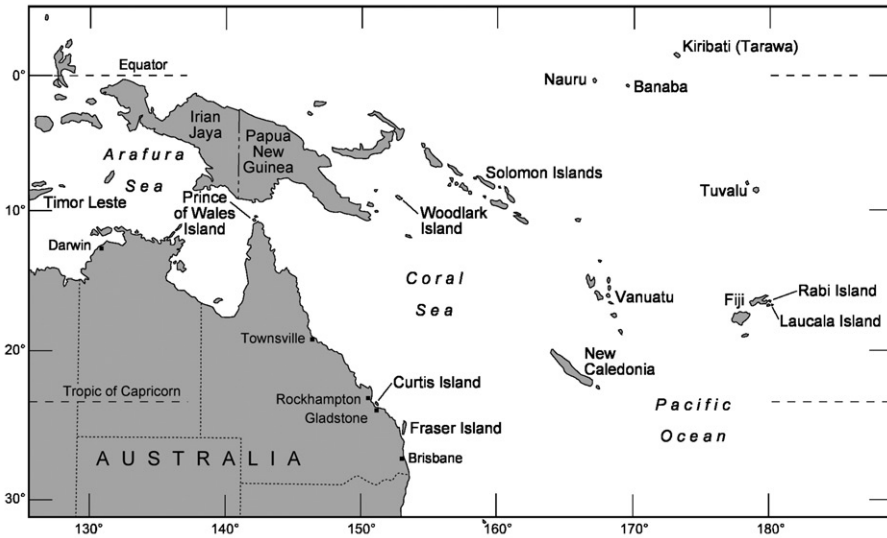


FIGURE 1: Nauru and its South Pacific neighbours. Cartography: Judy Davis.

Western States demonstrated an early interest in Nauru's phosphate reserves because of the prospects of commercialisation: phosphate is a primary ingredient in commercial fertilizers as well as a requirement in the manufacture of steel and munitions.²² After Nauru became a German colony in 1888, the German government entered into an agreement with a commercial corporation, Jaluit-Gesellschaft, whereby the company underwrote the expenses of administering the colony in exchange for exclusive rights to take possession of unoccupied land, engage in trade and exploit the phosphate deposits. This title passed to the London-based Pacific Phosphate Company in 1902 when the shareholders of Jaluit became foundation shareholders of the Pacific Phosphate Company. The transfer gave the Pacific Phosphate Company the right to mine Nauru's phosphate in its own right.

The British company operated Nauru's phosphate mines until World War I broke out. In 1914, Nauru was taken from Germany and placed under Australian control because it lay within the Australian sphere of influence. At the conclusion of the war, Australia acceded to the collective will of nations at the Paris Peace Conference and agreed to place Nauru under the newly established League of Nations mandate system.²³ On 17 Dec. 1920, the League of Nations conferred a joint mandate over Nauru on Australia, the United Kingdom and New Zealand. The three governments had previously signed the Nauru Island Agreement, which gave Australia, as Administrator, the power to make ordinances for the peace, order and good government of the island, but shared the mined phosphate between the mandate holders in the following ratio: Australia 42%; United Kingdom 42% and New Zealand 16%.²⁴ The Agreement also created a Board, the British Phosphate Commissioners, who were

²² John Gowdy and Carl McDaniel, 'The physical destruction of Nauru: an example of weak sustainability', *Land Economics*, 75:2 (1999), 333–8; Kathleen Barnes, 'Pacific Islands double phosphate output', *Far Eastern Survey*, 9:11 (1940), 132.

²³ Michael Leslie, 'International fiduciary duty: Australia's trusteeship over Nauru', *Boston University International Law Journal*, 8 (1990), 397–422.

²⁴ Nancy Viviani, *Nauru: phosphate and political progress* (Canberra 1970), 44. The Agreement is reproduced as a Schedule to the Nauru Island Agreement Act 1919 (Cth).

conferred title to the phosphate deposits and were given the task of operating the phosphate business on behalf of the three governments. This arrangement circumvented the vesting of title in the mandate holders themselves, which would have been inconsistent with their obligations as trustees.

After World War II, the League of Nations mandate system was replaced by a system of trusteeship under the auspices of the United Nations. The international supervision of non-self-governing territories was considered so important to international peace and security that one of the six principal organs of the United Nations — the Trusteeship Council — was devoted to the task. One of the Trusteeship Council's functions was to negotiate individual trusteeship agreements by which trust territories (including former mandates) were placed under the administration and supervision of an 'Administering Authority'. Australia's attempt to become the sole Administering Authority was unsuccessful,²⁵ and on 1 Nov. 1947, the General Assembly approved the Trusteeship Agreement for the Territory of Nauru. It established Australia, the United Kingdom and New Zealand as the joint Administering Authority, but gave Australia continued authority 'to exercise full powers of legislation, administration and jurisdiction' over Nauru in conformity with the Nauru Island Agreement.²⁶ The Agreement required the tripartite Administering Authority to 'safeguard the interests...of the indigenous inhabitants' and promote their 'economic, social, educational and cultural advancement'. In this, the trusteeship system continued the principle of 'sacred trust' established under the League of Nations mandate system.

The Trusteeship Council had three sources of information about circumstances prevailing in the Trust Territories — regular reports submitted by each Administering Authority; petitions received from local inhabitants and their representatives; and periodic Visiting Missions of United Nations representatives, which were intended to secure first-hand information concerning the Territories and the aspirations of their inhabitants. In the case of Nauru, between 1947 and independence in 1968, the Trusteeship Council received numerous annual reports, accepted 33 petitions, and conducted six triennial Visiting Missions commencing in 1950.²⁷ These mechanisms gave Nauruans access to influential international institutions and subjected the Administering Authority to heightened transparency and accountability.

Nevertheless, the trusteeship period, like the mandate period before it, saw the unremitting destruction of Nauru's physical environment. Between 1919 and 1968, 34 million tons of phosphate were mined from Nauru, valued at around AU\$300 million.²⁸ The phosphate mining involved 'removal of the vegetation, the topsoil, and contaminated phosphate to expose the purer phosphate deposits'.²⁹ During the process of clearing, trees and other plant refuse were transported to a dump and burned, while the topsoil was stockpiled for future use but not replaced after mining. Over time, extraction of the phosphate rock became more efficient, evolving from manual methods, to a mechanical process involving overhead cableways and skips, to the use of Ruston Bucyrus grab buckets. These processes transformed the landscape 'into pitted, barren wastelands with scattered coral pinnacles, which have been described as "soil-less craggy lunar landscapes"'.³⁰ Decades of phosphate mining left more than a third of the island in a

²⁵ Barrie Macdonald, *In Pursuit of the Sacred Trust: trusteeship and independence in Nauru* (Wellington 1988), 22.

²⁶ Trusteeship Agreement for the Territory of Nauru, 10 UNTS 3 (signed and entered into force 1 Nov. 1947).

²⁷ United Nations, *Repertory of Practice of United Nations Organs* (New York 1945–2010), Art 87. Visiting Missions came to Nauru in 1950, 1953, 1956, 1959, 1962 and 1965.

²⁸ Gowdy and McDaniel, 'The physical destruction of Nauru', 334.

²⁹ Harley Manner, Randolph Thaman, and David Hassall, 'Phosphate mining induced vegetation changes on Nauru Island', *Ecology*, 65:5 (1984), 1454–65, 1456.

³⁰ *Ibid.*, 1457.

state of complete destruction, with the coral pinnacles of Topside offering an inhospitable habitat for most flora and fauna.³¹

II: Resettlement Offer

Origins of the proposal

In 1949, the Trusteeship Council noted in its report to the United Nations General Assembly that Nauru's phosphate deposits would be depleted in 70 years (i.e. by 2019), at the end of which 'all but the coastal strip... will be worthless'.³² In fact, increased production brought the primary deposits close to exhaustion much earlier than projected. In 1956, the estimated life of the phosphate deposits was reduced to 40 years (i.e. to 1996) as a result of increased mining output, and in 1960 the estimate was shortened again to 30 years (i.e. to 1990).³³ What was to become of the local population when phosphate mining no longer offered them a livelihood or a source of revenue? In 1962, the Australian Prime Minister acknowledged in correspondence with the Queensland Premier that the availability of cheap rock phosphate had been 'of very great importance' to the primary industries of Australia, the United Kingdom and New Zealand, and that there was 'a clear obligation on the Governments of these countries to provide a satisfactory future for the Nauruans'.³⁴

At first, the Nauruans pursued the possibility of rehabilitating the land by filling in the mined lands with soil to counter the depletion of phosphate rock. However, in the 1950s the Australian Administration and the British Phosphate Commissioners opposed the idea, not because rehabilitation was impossible, but because it was too costly.³⁵ A 1956 report of the Commonwealth Scientific and Industrial Research Organization (CSIRO) had also identified many practical risks of such an undertaking, including the possibility that imported topsoil would be washed away and that an adequate water supply could not be established. This led to a consideration of resettlement.

It is not clear whether Australia or the Trusteeship Council originated the idea of resettlement. Australia claimed that, throughout the trusteeship, it was 'conscious of the need to address the long term future of Nauru, given that the phosphate deposits would one day be exhausted'.³⁶ Australia's concern for Nauru may not have been altruistic but, rather, an attempt to protect its control over the phosphate resource in the context of ongoing extraction. For example, plans were made to finance the long-term future of the Nauruans by establishing an investment fund from phosphate royalties, which would be used to fund future expenses for housing and economic development once the mining had ceased.³⁷ What is clear is that the proposals for resettlement had the United Nations' endorsement and encouragement.

As a long-term solution to the problems that would be faced once the island was worked out, resettlement was recognised as 'desirable by the Partner Governments, the Nauruans and the United Nations at an early stage'.³⁸ The first Trusteeship Council

³¹ Carl McDaniel and John Gowdy, *Paradise for Sale: a parable of nature* (Berkeley 2000), 51.

³² International Court of Justice, *Memorial of Nauru*, 212.

³³ Merze Tate, 'Nauru, phosphate, and the Nauruans', *Australian Journal of Politics and History*, 14:2 (1968), 180.

³⁴ Letter from Robert Menzies (Prime Minister of Australia) to G.F.R. Nicklin (Premier of Queensland), 22 Jan. 1962. Nauruans — Resettlement in Australia, Series ID 5213, Item ID 842358, 22/01/1962–22/03/1965, QSA.

³⁵ International Court of Justice, *Memorial of Nauru*, 256 (statement by Hammer De Roburt).

³⁶ International Court of Justice, *Counter Memorial of Australia*, 51.

³⁷ Peter MacSporran, 'Land ownership and control in Nauru', *Murdoch University Electronic Journal of Law*, 2:2 (1995), available online at www.edu.au/elaw/issues/v2n2/macsporrnan22.txt (accessed 24 Nov. 2011).

³⁸ International Court of Justice, *Counter Memorial of Australia*, 51.

Visiting Mission to Nauru in 1950 considered the future of the Nauruan community. They reasoned that, since the Banaban solution to the exhaustion of phosphate deposits on Ocean Island was resettlement on Rabi Island in Fiji, resettlement of the Nauruans to some other island might 'offer the only satisfactory long-term solution'.³⁹ The 1953 Visiting Mission believed similarly that resettlement may be 'the only permanent and definite solution' for Nauru.⁴⁰

Gradual resettlement

The 1953 Visiting Mission urged both Nauru and Australia to face the resettlement option realistically. It felt that resettlement, whether individually or collectively, should not wait until the phosphate deposits were depleted. The Visiting Mission considered that *gradual* resettlement, which might provide for the 'purchase of land at an early date', should be agreed as soon as possible.⁴¹ The vocational training of young Nauruans — to make them fit for employment in other areas of the Pacific — was also considered. The Visiting Mission urged the Administering Authority to help the Nauruans make any necessary adjustment so that their relocation could proceed 'without further social complications'.⁴² The Trusteeship Council recommended that the Administering Authority plan for resettlement in consultation with the Nauruan people and make provision for the means of livelihood of those Nauruans who might wish to stay in Nauru.

When the Visiting Mission returned for its next triennial visit in 1956, the Nauru Local Government Council informed the Visiting Mission that there was growing support for the idea of resettlement in Australia, but that it was opposed to 'individual, gradual or piecemeal resettlement'.⁴³ The views of the Council were important because it was the only institution of self-government in Nauru, and it comprised the Chiefs of each of the 14 districts. In the Council's view, resettlement, if it were to occur, should be large scale and premised on: the Administering Authority meeting the cost of a new homeland; the construction of villages, administration centres and public institutions; and communication systems and other necessary facilities. In view of the need for an advanced plan, the Visiting Mission recommended that a standing joint consultative body be formed, consisting of representatives from the Administering Authority and the Nauruan people, assisted by the British Phosphate Commissioners.

When the Visiting Mission returned once again in 1959, the parties had not managed to find a suitable location for the resettlement of the Nauruans. The Visiting Mission thus recommended the gradual integration of the Nauruans into the metropolitan territory of Australia, the United Kingdom or New Zealand, or into a possession of any one of them where a comparable standard of living could be enjoyed.⁴⁴ In response, the three governments agreed in 1960 that the most feasible solution was gradual resettlement within their metropolitan territories, extending over a period of some 30 years. Australia believed that resettlement could be achieved largely by educating Nauruan children in Australia at secondary level and 'equipping them to pass out into the Australian community and the Australian work force'.⁴⁵ Specifically, the tripartite governments

³⁹ International Court of Justice, *Memorial of Nauru*, 62.

⁴⁰ Trusteeship Council, 'Visiting mission to the Trust Territories in the Pacific 1953', *International Organization*, 7:3 (1953), 403.

⁴¹ International Court of Justice, *Memorial of Nauru*, 62.

⁴² Trusteeship Council, 'Visiting mission to the Trust Territories in the Pacific 1953', 403.

⁴³ International Court of Justice, *Memorial of Nauru*, 63.

⁴⁴ *Ibid.*, 64.

⁴⁵ Letter from Robert Menzies (Prime Minister of Australia) to G.F.R. Nicklin (Premier of Queensland), 22 Jan. 1962, Nauruans — Resettlement in Australia, Series ID 5213, Item ID 842358, 22/01/1962–22/03/1965, QSA.

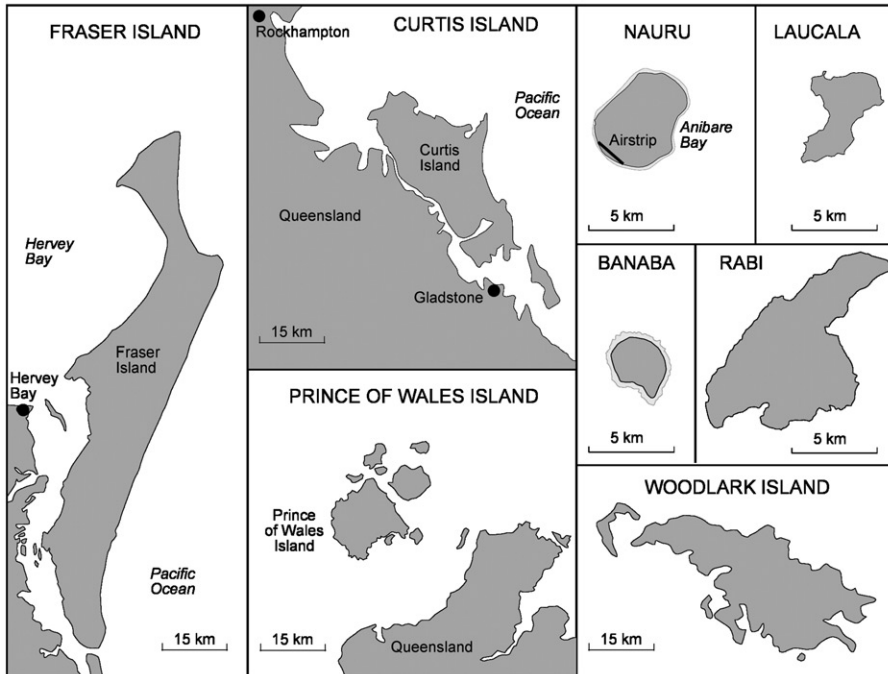


FIGURE 2: Nauru, Banaba and proposed resettlement sites. Cartography: Judy Davis.

proposed resettlement on the following terms: (1) citizenship; (2) equal opportunity and freedom of social contact; (3) for young people, education to the fullest extent of their capabilities and an allowance of £600 per year for five years, after which they would be assisted to look for suitable employment; and (4) for adults, employment in any of the three countries, passage, a house, maintenance for a six-week period, further training for self-employment, and eligibility for all social welfare benefits.⁴⁶

III: Proposed Resettlement Sites

The Nauru Local Government Council rejected the gradual resettlement proposal on the ground that the offer would lead to assimilation of Nauruans in the metropolitan countries.⁴⁷ Instead, in 1961 it counter-proposed for resettlement in a self-governing island off the coast of Australia. Negotiations regarding resettlement thus came to hinge on an assessment of possible resettlement sites and on the broader implications of any resettlement for the Nauruan people. Over the following years, several alternatives were canvassed, four of which are considered below (see Figure 2). While they differed in location, size and geophysical features, they shared a number of key attributes — all were islands, all lay within the tropics, and all were subject to the jurisdiction of Australia or the United Kingdom as metropolitan States, colonial powers, or United Nations Trust powers.

⁴⁶ Trusteeship Council, 'Examination of conditions in Trust Territories', *International Organization*, 15:4 (1961), 671–702, 685–6.

⁴⁷ International Court of Justice, *Memorial of Nauru*, 63.

Laucala, Fiji

In 1952, Mr J.R. Halligan, the Secretary of Australia's Department of Territories, suggested that the Nauruans be relocated to Laucala Island within the Fiji archipelago — an island that was similar in size to Nauru and close to Rabi Island, to which the Banabans had been resettled just a few years before. Although Halligan considered it necessary to find a place within Australian jurisdiction, and although Fiji was then still a colony of the United Kingdom, he reasoned that 'it would not be impossible for Fiji to be transferred to Australian control within a not unduly lengthy period'.⁴⁸ If that were to happen, Laucala Island would come under Australian jurisdiction before the transfer of Nauruans could be completed. However, Halligan's proposal was neither considered nor acted upon by any of the parties.

Woodlark, Papua New Guinea

In 1955, the search for suitable resettlement sites was extended to islands within Papua and New Guinea, which Australia also administered (the latter as a United Nations Trust Territory).⁴⁹ One such island was Woodlark Island in Milne Bay Province — a large land mass in the Coral Sea, approximately halfway between mainland Papua New Guinea and what was then the British Solomon Islands Protectorate (see Figure 1). However, Woodlark Island failed to satisfy the three requirements considered necessary, namely: (a) employment opportunities enabling Nauruans to maintain their standard of living; (b) a community that would accept the Nauruans; and (c) willingness on the part of the Nauruans to mix with the existing population.⁵⁰

As noted above, the failure to agree on a specific resettlement site led the 1956 and 1959 Visiting Missions to urge earnest consideration of the gradual resettlement of Nauruans in the metropolitan territory or possessions of the tripartite Administering Authority. With the rejection of that suggestion, the resettlement issue reached an impasse. The 1962 Visiting Mission concluded that 'settlement of the Nauruan people in a new home is unavoidable' because 'no one who has seen the wasteland of coral pinnacles can believe that cultivable land could be established over the top of it except at prohibitive expense'.⁵¹ The Visiting Mission recommended that, instead of an island, a suitable site might include a single community centre in mainland Australia near a city or town. This recommendation was not pursued because the Nauruan people were intent on finding an island home they could call their own.

Fraser Island

As the search for a suitable island continued, in 1962 the Head Chief of Nauru, Hammer De Roburt, and a member of the Nauru Local Government Council, inspected islands in the Torres Strait between northern Queensland and Papua and New Guinea, as well as islands off the Queensland coast. The former included Prince of Wales Island off the northern tip of Cape York, while the latter included Fraser Island off Queensland's eastern coast. The inspections were for the purpose of assessing the suitability of the islands for resettlement, but it appears that the Australian government had prejudged that issue. Prime Minister Menzies wrote to Queensland Premier Nicklin in January 1962 stating that '[n]o Australian Government would be likely to agree to the establishment of a separate Nauruan community as an enclave within the borders of Australia', and that in any case the proposed sites of Prince of Wales Island and Fraser Island were not

⁴⁸ *Ibid.*, 65.

⁴⁹ See Ian Downs, *The Australian Trusteeship: Papua New Guinea 1945–1975* (Canberra 1980).

⁵⁰ International Court of Justice, *Counter Memorial of Australia*, 51.

⁵¹ International Court of Justice, *Memorial of Nauru*, 64–5.

feasible on economic grounds. The Queensland Premier was asked to facilitate the inspections with the understanding that ‘the purpose of the visit would be to demonstrate to the Nauruan representatives the impracticality of making either island available to the Nauruans for resettlement’.⁵²

Fraser Island was an interesting choice in many respects. It is the largest sand island in the world, with a land area 88 times larger than Nauru, and it contains a unique natural environment of rainforest and sand dunes that subsequently justified its inscription on the UNESCO World Heritage List in 1992. Heritage listing has since brought many economic benefits from domestic and international tourism.⁵³ But in 1962 there were different explanations for the failure to proceed with the Fraser Island proposal. Records of the Trusteeship Council indicate that Fraser Island was rejected as a potential resettlement site because the poverty of its sandy soils was a bar to future agriculture, and because communication with the island was difficult.⁵⁴ Yet correspondence in the Queensland State Archives suggests that the timber industry lobbied strongly against resettlement on the Island. A letter from the local timber merchants’ association to the Queensland Minister for Agriculture and Forestry urged the Minister to register an ‘emphatic protest’ against the proposal with the Commonwealth government.⁵⁵ Fraser Island supplied 50% of the logs to the mills in Maryborough and maintenance of that supply was seen as essential. Resettlement on Fraser Island progressed no further because the Nauruans’ basic conditions could not be met.

Curtis Island and the ‘New Nauru’

In 1962, the Australian Minister for Territories appointed a Director of Nauruan Resettlement whose job it was to ‘assiduously [comb] the South Pacific looking for spare islands offering a fair prospect’.⁵⁶ Through the Director, in August 1963 the Australian government offered Curtis Island to Nauru as a potential resettlement site. Subject to making satisfactory political arrangements, Curtis Island was thought to offer good prospects for successful resettlement. It was a sizeable island lying close to the Queensland coast between the towns of Rockhampton and Gladstone (see Figure 2). The proximity to urban centres provided the prospect of employment for the Nauruans, while the soil was also conducive to agriculture. The Director of Nauruan Resettlement took the proposal (together with coloured photographs) to Nauru for consideration by the Nauru Local Government Council in August and September 1963.⁵⁷ Knowledge of the offer was widespread among Nauruans and some openly accepted the idea — one man even named his son Curtis to signify their new prospects.⁵⁸

Australia’s plan was to acquire all land on Curtis Island from the small population of private owners and give the Nauruans freehold title to the island. A Nauruan Council would be established with wide powers of local government under the laws of the State

⁵² Letter from Robert Menzies (Prime Minister of Australia) to G.F.R. Nicklin (Premier of Queensland), 22 Jan. 1962, Nauruans — Resettlement in Australia, Series ID 5213, Item ID 842358, 22/01/1962–22/03/1965, QSA.

⁵³ Ralf Buckley, ‘The effects of world heritage listing on tourism to Australian National Parks’, *Journal of Sustainable Tourism*, 12:1 (2004), 70–84.

⁵⁴ Trusteeship Council, ‘Examination of conditions in the Trust Territories’, *International Organization*, 18 (1964), 120.

⁵⁵ Letter from the President of the Maryborough & Bundaberg District Timber Merchants’ Association to O.O. Madsen (Queensland Minister for Agriculture and Forestry), 23 Feb. 1962, Nauruans — Resettlement in Australia, Series ID 5213, Item ID 842358, 22/01/1962–22/03/1965, QSA.

⁵⁶ International Court of Justice, *Certain Phosphate Lands in Nauru (Nauru v. Australia)*, *Verbatim Record of Public Sitting, 18 November 1991* (The Hague 1991), 17.

⁵⁷ Weeramantry, *Nauru*, 293.

⁵⁸ Lionel Aingimea, personal correspondence, 19 Oct. 2010 (on file with the authors).

of Queensland, where ‘the people would be able to preserve the kind of life and community that they valued’. They would receive ‘homes, land, and assistance in gaining employment in nearby Rockhampton on the mainland. A town would be laid out, utilities installed, public buildings erected, and roads and a causeway constructed at a cost estimated at from twenty to thirty million dollars’.⁵⁹ This required a substantial investment in infrastructure — in 1964 *Time Magazine* reported that Australia had offered to underwrite the Nauruan resettlement in Curtis Island to the tune of US\$22.4 million, or approximately AU\$244 million in today’s currency.⁶⁰

At the May–June 1963 meeting of the Trusteeship Council, Australia defined the administrative details of its offer, which was subject to the condition that the Nauruans accept the obligations of Australian citizenship. In the view of the Australian government, ‘the administrative arrangements will be worked out on the general basis that, subject to the resettled Nauruans accepting the privileges and responsibilities of Australian citizenship, they should be enabled to manage their own local administration and to make domestic laws or regulations applicable to their own community’.⁶¹ Newspapers of the day reiterated the view that Australian citizenship, and hence allegiance, was a precondition to the resettlement arrangements.⁶²

However, the proposal quickly began to founder.⁶³ The Nauruans wanted to establish Curtis Island as a sovereign state, tied to Australia by a treaty of friendship, and controlled by Australia only in matters of defence, quarantine and possibly external affairs and civil aviation.⁶⁴ The model may have been provided by the Treaty of Friendship concluded in 1962 between New Zealand and its former trust territory, Western Samoa.⁶⁵ Alternative arrangements do not appear to have been explored, but may have taken the form of independence coupled with ‘free association’, which was later adopted in other Pacific territories.⁶⁶ The three fundamental conditions of the resettlement on Curtis Island were that the Nauruans be granted full independence, enjoy territorial sovereignty over their new homeland, and retain sovereignty over Nauru.⁶⁷

Australia could not accept Nauru’s proposal to establish an independent nation state on Australian soil. In addition to legal objections related to the ceding of territory, Australia raised security concerns about having a separate state within, or very close to, its territory. Invocation of a ‘Cuba-like’ situation made this concern a live one, given the extreme tensions between the United States and the Soviet Union during the Cuban Missile Crisis in 1962. Yet Australia left the door open and expressed its willingness to grant a high level of autonomy to the Nauruans on Curtis Island. According to a contemporary news report, Australia’s Director of Nauruan Resettlement informed the Trusteeship Council that it was ‘hoped that the 2,400 indigenous inhabitants of Nauru would accept resettlement, with substantial autonomy under the Queensland

⁵⁹ Tate, ‘Nauru, phosphate, and the Nauruans’, 181.

⁶⁰ Anon., ‘Australia: a special island’, *Time Magazine*, 11 (1964), Sept. 26.

⁶¹ Weeramantry, *Nauru*, 292.

⁶² Anon., ‘Australia puts views on Nauru to U.N.’, *The Age*, 16 Sept. 1964.

⁶³ Commonwealth Bureau of Census and Statistics, *Official Yearbook of the Commonwealth of Australia* (Canberra 1966), 155–6.

⁶⁴ Anon., ‘Island offer rejected by Nauru’, *The Age*, 21 Aug. 1964.

⁶⁵ Treaty of Friendship between the Government of New Zealand and the Government of Western Samoa, 453 UNTS 3, [1962] NZTS 5, signed and entered into force 1 Aug. 1962.

⁶⁶ Examples include two states that are in free association with New Zealand, namely Cook Islands (1965) and Niue (1974); and three states that are in free association with the United States, namely, Federated States of Micronesia (1986), Marshall Islands (1986) and Palau (1994). See Brian Opeskin and Therese MacDermott, ‘Resources, population and migration in the Pacific: connecting islands and rim’, *Asia Pacific Viewpoint*, 50:3 (2009), 364.

⁶⁷ Tate, ‘Nauru, phosphate, and the Nauruans’, 181.

Local Government Act, as citizens of Australia'. The Director stressed Australia's desire that a 'permanent future should be built for the islanders on something abiding and capable of growth when the phosphate supplies on Nauru... are exhausted'.⁶⁸

Nauru sought to accommodate Australia's security concerns in several ways — a treaty of friendship with Australia; a provision that violation of the treaty at any time would render Nauru's nationhood null and void; and a provision that Nauru's compliance with the treaty could be policed by Australia through a 'permanent Australian office established for that purpose on New Nauru' and that the cost of such an office could be a charge on the Nauruan community.⁶⁹ These concessions did not meet Australia's concerns. Nauru's response was summed up in a statement delivered at a conference in Canberra in July–August 1964:

Your terms insisted on our becoming Australians with all that citizenship entails, whereas we wish to remain as a Nauruan people in the fullest sense of the term even if we were resettled on Curtis Island. To owe allegiance to ourselves does not mean that we are coming to your shores to do you harm or become the means whereby harm will be done to you through us. We have tried to assure you of this from the beginning. Your reply has been to the effect that we cannot give such an assurance as future Nauruans leaders and people may not think the same as we do. We have then thought up ways and means whereby the future may be safeguarded as perfectly as possible to our mutual interest but, frankly speaking, we have made all the concessions and you have made none.⁷⁰

After three weeks of negotiations, the resettlement discussions came to an end, just as the rehabilitation discussions had ended some years earlier. Press reports of the day delivered a mixed assessment. *Time Magazine* reported that the deal to 'resettle Nauru's miniscule populace in Australia' collapsed when Head Chief Hammer De Roburt 'stomped out' of a conference with the Australian Prime Minister, vowing to let the whole world know how the Nauruans had been treated.⁷¹ A more sympathetic account appeared in the *Sydney Morning Herald*. In response to the suggestion that continued habitation of a soon-to-be exhausted phosphate island was foolish, the paper answered that the Nauruans had every right to make their own decision about their future, and that the assumption that the island had no future was defeatist.⁷² The Nauruans' subsequent decision to pursue independence was a manifestation of the possibilities of self-reliant development.

IV: Grounds for Rejection

If the Nauruan experience is to assist in evaluating the current prospects for environmental migration in the Pacific, it is important to evaluate the reasons for the failure to resettle the Nauruans in Australia. A simple framework for doing so is Everett Lee's classic conceptualisation of migration as a process involving a set of factors associated with the place of origin, a set of factors associated with the place of destination, a set of intervening obstacles, and a series of personal factors.⁷³

Personal factors that facilitate or retard migration (such as individual sensitivities, intelligence, resistance to change or the desire for new experiences) can be set aside in the context of the migration of an entire population, although they may have been relevant ultimately to the decisions of individual Nauruans to stay or resettle. Similarly, intervening obstacles (such as distance, cost and immigration laws) can be set aside in the

⁶⁸ Anon., 'The future of Nauru', *Sydney Morning Herald*, 1 Sept. 1964.

⁶⁹ Ibid.

⁷⁰ Weeramantry, *Nauru*, 294.

⁷¹ Anon., 'Australia: a special island,' *Time Magazine*, 11 (1964), Sept. 26.

⁷² Anon., 'The future of Nauru,' *Sydney Morning Herald*, 1 Sept. 1964.

⁷³ Everett Lee, 'A theory of migration', *Demography*, 3:1 (1966), 47–57.

context of a resettlement programme that was supported by the Australian government as the receiving state. Australia repeatedly expressed its willingness to fund and facilitate resettlement, and this would necessarily have entailed neutralising any such impediments. This leaves for consideration the positive and negative factors associated with Nauru, as the place of origin, and Australia, as the place of destination.

In assessing the merits of remaining in Nauru, three factors appear to have had special significance. The extreme environmental degradation of the island was a strong 'push' factor which prompted the early calls for resettlement. This factor was exacerbated by the resource pressure of a growing population — Nauru's rate of population growth remains one of the highest in the Pacific.⁷⁴ However, the phosphate deposits had not yet been exhausted. In 1960, it was expected that mining could continue for another thirty years, and the prospect of controlling such a key resource held obvious attractions. On the same side of the ledger, there was a realistic prospect that Nauru would be able to transition from its status as a Trust Territory to an independent sovereign state. One of the stated purposes of the United Nations trusteeship system was to promote the progressive development of the inhabitants of Trust Territories 'towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples'.⁷⁵ Within the United Nations, the process of decolonisation was in ascendency. Although the legal principles governing Trust Territories and non-self-governing territories differed,⁷⁶ the mood of the time was to facilitate the self-determination of 'peoples' as a means of promoting international peace and security.⁷⁷ To remain on Nauru brought with it the possibility of achieving a degree of political autonomy that had escaped the Nauruans during their time as a colony, a mandate and a trust territory.

There were also positive and negative factors associated with migration to Australia as the place of destination. During the early stages of the search for 'spare islands offering a fair prospect', considerable efforts were devoted to finding a geophysical environment that would meet the perceived needs of current and future Nauruans. The object was to find a site that offered what Nauru lacked, given its environmentally degraded state, namely, ample fresh water, agriculturally productive land, access to fisheries and urban employment, and space for a growing population. Some sites were rejected on these criteria, but once Curtis Island was found to pass muster, attention turned to intangible factors in the receiving state. The most pressing concerns for the Nauruans were the potential loss of their national identity and the prospect of encountering Australian racism.

The sections below elaborate three factors that appear to provide the most robust explanations for the failure of Nauru and Australia to agree on a resettlement plan, namely, issues of national identity, Australian racism and control of economic resources. Since positive factors associated with the place of origin (e.g. preservation of national identity) often correspond to negative factors associated with the place of destination (e.g. loss of national identity), and vice versa, the factors discussed below are relevant to both sides of Lee's migration schema.

⁷⁴ Nauru's annual population growth rate (2.1% in 2010) is the fourth highest in the Pacific, and its total fertility rate (3.3 births per woman) is still substantially higher than replacement level fertility (~2.1 births per woman): Secretariat of the Pacific Community, *Our Population and Demographic Indicators* (Noumea 2010).

⁷⁵ *Charter of the United Nations* 1945, Art 76(b).

⁷⁶ Compare *Charter of the United Nations* 1945, ch. XI and XII. See also James Crawford, *The Creation of States in International Law* (2nd edn, Oxford 2006), 565–647.

⁷⁷ For a broader historical context, see Pascal Boniface, 'The proliferation of states', *Washington Quarterly*, 21:3 (1998), 111–27.

Preserving national identity

Although the chronology is contested, parts of the South Pacific (excluding the islands of New Guinea and the Solomons) appear to have been inhabited as long as 4,500 years ago, and others as recently as 700 years ago, based on evidence of dispersal of Lapita pottery, language, flora and fauna.⁷⁸ The people who live in Nauru today are therefore the heirs to an ancient society with distinct culture, traditions and language. It has been said that they enjoyed rich art and dance forms, ancient chants, island-wide harvest celebrations and heraldic markings on pots and garments.⁷⁹ Little of these remain today other than the Nauruan language and some traditional medicine, fishing practices and handicrafts practised by a small number of older people.

Nauru's unusual geographic isolation has contributed to the heightened sense of belonging of its people to their island home. Nauru is not part of any island chain, and its nearest island neighbour, Banaba, is over 250 km away. As the threads of European influence gradually spread out across the South Pacific after Magellan's voyage in 1520, Nauru was bypassed for nearly 300 years.⁸⁰ By the date of first European contact, Nauru had developed into a self-reliant and homogeneous state, with a strong sense of pride in its identity as a distinct people.

European colonisation cemented new bonds between the Nauruan people. Influenza epidemics after World War I reduced the island's population by nearly one-fifth.⁸¹ When the Japanese invaded Nauru in August 1942, more than half the island's population was deported to Truk in Micronesia to make room for the Japanese garrison. Of the 1,200 deportees, only 737 survived the forced labour and starvation⁸² — among them was Hammer De Roburt, who was to become Head Chief of Nauru, the principal negotiator with Australia in relation to resettlement, and later the first President of the independent republic.⁸³ The collective experience of depopulation from epidemics, together with the deportation and dislocation caused by the war, produced a deep trauma among the Nauruan people and strengthened their resolve to ensure the survival of their community and its island identity. The war had given the Nauruans 'the firm belief they had the right to control their own destiny and resources'.⁸⁴ The date of the survivors' return to Nauru, 31 Jan. 1946, was a moment of triumph and national celebration, and its anniversary was chosen as the date of Nauru's independence in 1968.

This strong sense of community played an important part in the resettlement negotiations with Australia during the trusteeship. At the outset, the Nauruans made it clear that they opposed assimilation into the territory of another state because they wanted to preserve their unique identity. In the words of De Roburt, the idea that Nauruans should simply leave the island and be dispersed as citizens in any one of the three partner counties 'constituted a policy of disintegration of Nauruan society' which had to be rejected.⁸⁵ Yet, in the early stages of the negotiation, that was precisely what Australia was offering. A minute from the Secretary of the Department of Territories to his Minister in 1953 expressed it in this way: 'the solution to the Nauruan resettlement problem lies not in finding another island Nauru to which they could be transferred as an

⁷⁸ Geoffrey Irwin, 'Voyaging and settlement', in K.R. Howe (ed.), *Vaka Moana: voyages of the ancestors* (Auckland 2006), 54–99.

⁷⁹ Weeramantry, *Nauru*, 3; Solange Petit-Skinner, *The Nauruans* (San Francisco 1981).

⁸⁰ McDaniel and Gowdy, *Paradise for Sale*, 29. The first European contact is thought to have been made by the whaling ship *Hunter* in 1798.

⁸¹ Davidson, 'The Republic of Nauru', 145.

⁸² Hughes, 'From riches to rags', 2.

⁸³ International Court of Justice, *Memorial of Nauru*, Appendix 1, 252.

⁸⁴ Jemima Garrett, *Island Exiles* (Sydney 1996), 183.

⁸⁵ International Court of Justice, *Memorial of Nauru*, Appendix 1, 255.

entire community, but in steadily educating them to the stage where they can fit into the economic and social life of Australian Territories, after the European manner'.⁸⁶

Concerns about the absorption of Nauruans into Western cultures were partially allayed by later pursuit of the idea that the Nauruans should move *as a community* to another island, which would provide them with a distinct geographical space. One commentator in Australia described this approach as establishing a 'costly anthropological Museum'.⁸⁷ Yet anxiety about assimilation rightly persisted. From the inception of Australia's post-war immigration programme until the 1970s, there was a widely held view that migrants would and should assimilate with the local Anglo-Celtic culture by 'casting off their language, customs and national sentiments'.⁸⁸ The process involved the 'digestion' of newcomers by the host society to the point of their invisibility. Although it was becoming clear by the 1960s that the policy of assimilation was not working in practice, multiculturalism did not gain political acceptance in Australia until 1975, and it took another decade for the concept to become mainstream.⁸⁹ The fears that the Nauruans harboured about their assimilation into Australian culture in the 1960s were thus well-founded. The Trusteeship Council summed up the situation in its report to the General Assembly as follows:

[T]here was a very strong and earnest desire on the part of the Nauruan people to remain the people of a distinct small nation. ... No matter how small they were and how unimportant they may be to others, they wanted to be free to perpetuate their homogeneity and to preserve themselves as a distinct people and nation. They wanted to shape their own destiny.⁹⁰

With hindsight, it is difficult to imagine how Nauruan national identity could have been better preserved in Australia on Curtis Island than it has been on present-day Nauru, especially when one considers the profound sense of cultural loss experienced by other indigenous peoples who have been displaced from their traditional lands.⁹¹

Avoiding Australian racism

From 1901 until 1973 Australia operated an immigration policy which openly discriminated against people who were not white.⁹² The White Australia Policy was reflected in the predominance of English and Irish settlers in the first half of the 20th century, and in the careful selection of Europeans during the great expansion in immigration immediately after World War II.⁹³ While aspects of discriminatory admission were gradually set aside (for example, the highly discretionary 'dictation test' was not used after 1958), it was with reluctance that successive Australian governments gave ground on the exclusion of non-Europeans from permanent migration.⁹⁴ In the absence of special arrangements made by the Australian government for the resettlement of Nauruans in Australia, there is no doubt that most would have been excluded from permanent settlement by the colour bar.

⁸⁶Weeramantry, *Nauru*, 288.

⁸⁷J.M. Bourke, 'Nauru problem, letter to the editor,' *Courier-Mail*, 3 Aug. 1964.

⁸⁸Frank Lewins, 'Assimilation and integration,' in James Jupp (ed.), *The Australian People: an encyclopedia of the nation, its people and their origins* (Cambridge 2001), 752.

⁸⁹Stephen Castles, 'The Australian model of immigration and multiculturalism: is it applicable to Europe?', *International Migration Review*, 26:2 (1992), 554–8.

⁹⁰Weeramantry, *Nauru*, 287.

⁹¹Stuart Kirsch, 'Environmental disaster, "culture loss" and the law,' *Current Anthropology*, 42:2 (2001), 167–78.

⁹²Raymond Evans, 'The White Australia Policy,' in James Jupp (ed.), *The Australian People: an encyclopedia of the nation, its people, and their origins* (Cambridge 2001), 44–9.

⁹³Freda Hawkins, *Critical Years in Immigration: Canada and Australia compared* (Montreal 1991); Eric Richards, *Destination Australia: migration to Australia since 1901* (Sydney 2008).

⁹⁴Gwenda Tavan, *The Long, Slow Death of White Australia* (Melbourne 2005).

Moreover, there were no protections at this time from racially discriminatory conduct. When the resettlement negotiations collapsed in August 1964, the United Nations treaties proscribing racial discrimination still lay in the future. The International Convention for the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights were not opened for signature until 1966, and Australia did not ratify them until 1975 and 1980, respectively.⁹⁵ Domestic legislation prohibiting racial discrimination — for example in the provision of employment, housing, education or goods and services — did not exist at the federal level until 1975, and in Queensland until 1991.⁹⁶ During this time, the Queensland statute book carried laws, albeit in disuse, prohibiting coloured people from working in sugar-cane fields or owning shops.⁹⁷ Indigenous Australians were also subject to discrimination in the terms of the Constitution itself, which until 1967 prohibited parliament from making special laws for the protection of people of the ‘aboriginal race’ and prevented ‘aboriginal natives’ from being counted in the population census.⁹⁸

The 1960s was not a propitious time to be a person of mixed Micronesian and Polynesian ancestry living in rural Queensland, and it is not surprising that racism surfaced as a negative factor associated with Queensland, as the place of their proposed destination. Hammer De Roburt expressed his concern that the Nauruans ‘would just be regarded as another tribe of Aborigines’ and that Australians would always take a second look at them in the street.⁹⁹ Helen Hughes reported that the wives of a Nauruan delegation had been subjected to racist remarks and exposed to ridicule in Brisbane.¹⁰⁰ The Nauru Local Government Council commented on the great deal of hostility shown towards the Nauruans by Queenslanders, because the latter were unhappy at being dispossessed of their properties for the proposed resettlement.¹⁰¹

A telling example is given in *The Age* at the time the resettlement talks collapsed.¹⁰² In explaining Nauru’s decision to reject resettlement, De Roburt said that ‘the Nauruan people had been aware of racial prejudice among a section of the Australian community in rejecting resettlement on Curtis Island’. Two months before, during a tour of the island by a Nauruan delegation, an existing Curtis Island resident talked of ‘punching on the nose the first nigger who comes ashore’. This comment may have reflected the sentiments of other local residents, since the delegation’s tour guide asked those in the Nauruan party not to reveal their identity for fear of adverse local reaction.

Yet through all this, correspondence between Nauruan and Australian officials regarding the inspections shows the utmost civility. Documents in the Queensland State Archives record the appreciation of the Nauru Local Government Council to the Queensland government for making the inspections possible and for attending to the details of their itinerary, transport and facilities.¹⁰³ If there was racial hostility to the Nauruans, it was experienced on the ground and not through official channels.

⁹⁵ International Convention for the Elimination of All Forms of Racial Discrimination, opened for signature 7 Mar. 1966, 660 UNTS 195 (entered into force 4 Jan. 1969); International Covenant on Civil and Political Rights, opened for signature 16 Dec. 1966, 999 UNTS 171 (entered into force 23 Mar. 1976).

⁹⁶ Racial Discrimination Act 1975 (Cth); Anti-Discrimination Act 1991 (Qld).

⁹⁷ Maslyn Williams and Barrie Macdonald, *The Phosphateers* (Melbourne 1985), 475.

⁹⁸ Bain Attwood and Andrew Markus, *The 1967 Referendum: race, power and the Australian constitution* (Canberra 2007).

⁹⁹ Williams and Macdonald, *The Phosphateers*, 471.

¹⁰⁰ Hughes, ‘From riches to rags’, 3.

¹⁰¹ Weeramantry, *Nauru*, 295.

¹⁰² Anon., ‘Nauru attacks racial prejudice: leader gives reasons for rejection,’ *The Age*, (1964) 28 Aug.

¹⁰³ Letter from C.R. Lambert (Secretary of the Commonwealth Department of Territories) to R.B. McAllister (Under-Secretary of the Queensland Premier and Chief Secretary’s Department), 18 Jan. 1963, Nauruans — Resettlement in Australia, Series ID 5213, Item ID 842358, 22/01/1962–22/03/1965, QSA.

Securing a key resource

Throughout the trusteeship period, the benefits of phosphate mining were enjoyed principally by Australia, the United Kingdom and New Zealand as the joint Administering Authority. Despite the undertakings in the Trusteeship Agreement that the Administering Authority would 'safeguard the interests, both present and future, of the indigenous inhabitants', and that it would promote their 'economic, social, educational and cultural advancement', Nauruans received very small royalties. This occurred for two reasons — the royalty per ton was low in comparison with the sale price, and the sale price of Nauru phosphate was substantially less than the free market value. For example, in 1960 the royalty payments to Nauru amounted to just 2.8% of the value of the phosphate produced that year.¹⁰⁴ Australian primary production was thus being subsidised by Nauru as a consequence of the pricing arrangements made by the British Phosphate Commissioners.¹⁰⁵ Those arrangements required the Commissioners to sell Nauruan phosphate to the partner countries at cost, which was only one-third to one-half of the market price of similar grade phosphate mined at Makatea in French Polynesia.

During the 1950s, the Nauruans became aware that the value of their royalties was low in comparison with the value of the phosphate.¹⁰⁶ They vocalised their complaints through the triennial Visiting Missions and the petition mechanism of the Trusteeship Council, rejecting the notion that their royalty should be based on 'needs' rather than 'rights'. After intensive negotiations, they enjoyed some success. By 1964, the Nauruans were receiving 7.6% of the value of the phosphate as royalties.¹⁰⁷ However, they were still concerned to secure a fairer share of their island's key economic resource. At first, this goal was pursued through claims for greater royalty payments, and later through proposals to take a substantial interest in ownership of the industry, but their claims met with substantial resistance.

The collapse of the resettlement negotiations in 1964 compelled Nauru's population to look to their own island for a permanent future. That future was thought to involve rehabilitation of the phosphate lands and, beyond that, control over the phosphate deposits. As the nation set its sights on self-determination and statehood, control over phosphate became the central focus of negotiations with the British Phosphate Commissioners. By 1967, agreement had been reached for a managed transition of ownership and control. As Nancy Viviani remarked, years of hard bargaining had enabled David to overcome Goliath, and 'neither revolution nor confiscation had been needed to win control of their own natural resources'.¹⁰⁸

After independence in 1968, Nauru was able to exploit its natural resources for its own benefit. Sustained phosphate production, in combination with rising world prices for phosphate, delivered enormous export earnings for Nauru. It has been estimated that between 1968 and 2001 Nauru's phosphate exports totalled AU\$3,559 million.¹⁰⁹ With its small population, Nauru enjoyed for a time an annual per capita GDP of \$50,000 — the second highest in the world after Saudi Arabia. The story of how Nauru lost its wealth has been told elsewhere,¹¹⁰ but for present purposes it is not the loss of enormous wealth that is in issue. In 1964, the decision to remain on Nauru afforded its people the opportunity to enjoy the benefit of a resource that for 60 years had been exploited

¹⁰⁴ Weeramantry, *Nauru*, 67, table 16.1.

¹⁰⁵ Helen Hughes, 'The political economy of Nauru', *Economic Record*, 40:92 (1964), 533.

¹⁰⁶ Nancy Viviani, 'Nauru phosphate negotiations', *Journal of Pacific History*, 3 (1968), 151.

¹⁰⁷ Weeramantry, *Nauru*, 367, Table 16.1.

¹⁰⁸ Viviani, 'Nauru phosphate negotiations', 154.

¹⁰⁹ Hughes, 'From riches to rags', 4.

¹¹⁰ Hughes, 'From riches to rags'; John Connell, 'Nauru: the first failed Pacific state?', *The Round Table*, 95:383 (2006), 47–63; Jeremy Cox, 'The money pit: an analysis of Nauru's phosphate mining policy', *Pacific Economic Bulletin*, 24:1 (2009), 174–86.

primarily for the benefit of others. Although the phosphate was known to be finite, the 30-year horizon to exhaustion of the deposits was not insubstantial. No proposed resettlement site within Australian or British control came close to offering such an opportunity.

V: The Future of Environmental Migration in the Pacific

The proposed resettlement of Nauruans in Australia offers insights into the complexity of migrations that are precipitated by environmental pressures. While every situation bears unique features, the Nauruan experience reveals a range of issues that may need to be addressed in different circumstances. These are discussed below under six interrogatories.

First, what is the nature of the environmental change that has created the pressure for relocation? For the Nauruans, change came in the form of environmental degradation arising from the long-term exploitation of a natural resource. This presented alternatives to migration which were pursued vigorously before and after the resettlement negotiations, namely, the rehabilitation of the phosphate lands to allow for continued human occupation. Other environmental triggers, such as large-scale pollution and climate change, may present other alternatives or none.

Secondly, what is the geographical reach of the environmental pressures? For Nauru — a single island — environmental change affected an entire territory and an entire people. This created the unusual situation of having to consider the relocation of a whole population. A similar situation may have to be faced in Tuvalu and Kiribati if rising sea-levels inundate these atoll states. In different circumstances, it may be possible to resettle affected communities at other locations within the boundaries of a nation state. For example, the inhabitants of the low-lying Carteret Islands in Papua New Guinea have begun to resettle on the high island of Bougainville some 200 km away, and the Republic of Maldives has started to consider internal resettlement from smaller, less populated islands to larger islands with enhanced coastal defences such as the sea wall on the island of Male.¹¹¹

Thirdly, how urgent is resettlement? Migration may be an adjustment mechanism of first resort or a survival mechanism of last resort, leading to a useful but flexible distinction between environmentally motivated migrants, who move before grave environmental deterioration endangers their lives, and environmentally forced migrants.¹¹² Environmental degradation in Nauru was a process that stretched over nearly a century. It was also the outcome of human agency in so far as decisions were made, before and after independence, about methods and rates of resource extraction. In these circumstances, resettlement was important, but not urgent. This allowed time for negotiations over many years and for alternatives to be examined. Although environmental disasters such as earthquakes, volcanic eruptions and tsunamis may present urgent resettlement challenges,¹¹³ gradual environmental processes offer the opportunity of ‘thinking space’ and, on the flip-side, the prospect of delayed decision making or inaction.

Fourthly, who bears responsibility to accept a dislocated people? The Nauruans had a strong moral and legal claim against three developed states which had the means to

¹¹¹ John Connell, ‘The Carteret Islands: precedents of the greenhouse effect’, *Geography*, 75:2 (1990), 152–4; Warner *et al.*, ‘In Search of Shelter’, 18–19.

¹¹² Koko Warner *et al.*, *Human Security, Climate Change and Environmentally Induced Migration* (Bonn 2008); Fabrice Renaud *et al.*, *Control, Adapt or Flee: how to face environmental migration?* (Bonn 2007), 29.

¹¹³ See e.g. Vasily Titov *et al.*, ‘The global reach of the 26 December 2004 Sumatra tsunami’, *Science*, 309 (2005), 2045–8; R. McInerney *et al.*, ‘The South Pacific and Southeast Indian Ocean tropical cyclone season 2003–04’, *Australian Meteorological Magazine*, 55 (2006), 313–23.

rehabilitate their island or accept them as new settlers. The Nauruans were the beneficiaries of a 'sacred trust', and Australia, the United Kingdom and New Zealand were obliged, at least in principle, to advance their interests under the mandate and the trusteeship. In correspondence quoted above, the Australian Prime Minister acknowledged the 'clear obligation' of the three governments to provide a satisfactory future for the Nauruans, and this, more than anything else, may explain the depth of the resettlement negotiations. In the contemporary Pacific, Nauru's situation finds some parallels with Tokelau, which remains an external territory of New Zealand,¹¹⁴ and also with the independent states that are in free association with a developed state. But not all Pacific states have the benefit of these connections, and this is a particular difficulty when asking where moral responsibility lies for accepting persons displaced by anthropogenic climate change.¹¹⁵ In 2002, Tuvalu investigated the possibility of suing the worst national emitters of greenhouse gases in an attempt to convert moral responsibility into legal liability, but this came to nothing.¹¹⁶

Fifthly, how can a resettled population retain its identity as a people? The preservation of human cultures, like the preservation of biodiversity, has value not only for the individuals concerned, but for all humankind. For the Nauruans, maintenance of their identity as a people became a central tenet of the resettlement negotiations. It was expressed in two negotiated outcomes — rejection of a Diaspora model by which they would be dispersed as citizens in one or more of the three partner countries (they would only migrate as a community); and insistence on an island location rather than a mainland enclave. Yet this was not enough to give them a sense of security about their future. The prevailing assimilationist policy of the receiving state, and their inevitable subjection to Australian law, created a perceived threat to their existence as a people. The preservation of cultures within migrant communities is not a new concern of migration studies.¹¹⁷ However, the issue has special poignancy if the migration is not voluntary or if the sending society ceases to exist, thereby denying migrants the possibility of renewing their cultural practices by interacting with those who stay behind. These remain persistent problems for any large-scale environmental migration in the Pacific.

Finally, what is to become of the land and people left behind? During the resettlement negotiations with the Nauruans, it was understood that some individuals might choose to stay in Nauru, just as some Banabans had declined to resettle on Rabi Island. It was less clear what would become of the territory of Nauru once its population had moved away. In 1989, perhaps with the benefit of hindsight, Hammer De Roburt was able to say that 'it was never the view of Nauruans . . . that the independence of Nauru Island would have been made redundant by resettlement nor that the Nauruans could not have gained control over the phosphate industry on Nauru'.¹¹⁸ The implication that Nauruans wanted resettlement, resource control and independence is entirely reasonable in light of the fact that the island of Nauru had been their homeland since time immemorial, and that resettlement was necessary only by reason of the exploitation by the partner governments. In different circumstances, questions remain about how a depopulated territory could discharge its responsibilities both to its remaining inhabitants and to the international community. For those atoll states in the Pacific that face the risk of 'drowning' under rising sea levels, sadly, these questions may not need to be answered.

¹¹⁴ Judith Huntsman and Kelihiano Kalolo, *The Future of Tokelau: decolonising agendas 1975–2006* (Auckland 2007).

¹¹⁵ Opeskin and MacDermott, 'Resources, population and migration in the Pacific', 362.

¹¹⁶ John Connell, 'Losing ground? Tuvalu, the greenhouse effect and the garbage can', *Asia Pacific Viewpoint*, 44:2 (2003), 89–107.

¹¹⁷ For a detailed study, see Siew-Ean Khoo *et al.*, *Second Generation Australians* (Canberra 2002).

¹¹⁸ International Court of Justice, *Memorial of Nauru*, 256 (statement by Hammer De Roburt).

The resettlement of Nauruans in Australia, as an early case of failed environmental migration, provides interesting insights into the challenges that Pacific Island Countries confront today in addressing the human impacts of a dynamic environment. Migration has long been an accepted response of populations to both sudden and gradual changes in their environment. Whether the modern system of territorially bounded states provides a humane framework for meeting those challenges is a question that will have to be answered as climate change makes its impact felt in the South Pacific.

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