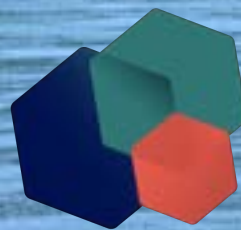


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**Kamwaeakia ao kamwinibaeaia kain  
Banaba: Uneakinan Inaomataia kain Rabi  
RIBOOTI**



**ICAAD**  
Human Rights Innovation

## TAEKA NI KAITAU

Te ribooti aio e bobonga man tauraoi mai imwin ana reitaki ICAAD, Te Kauntira – Rabi Council of Leaders, Te Mwenga – Banaban Women’s Organization ao te Rabi Island Community Hub. Ti nang kaitau ibukia ni kabane ara itabon iaon Rabi n reitaki ma Unimane ao Unaine ake a tibwai ma ngaira aia karaki ake ana kona ni kabonganaki bwa kanoan te boki aio are e bota iai te makuri ibukin katanoataan aia kanganga kain Banaba ni kabonganakan te rabakau ao tarena n aron te korobanna ao te mwaie. N reitaki ma aio, te kaitau naba ae moan te bati nakon Clifford Chance LLP ma ana taan makuri. Aio te rabwata n rooia are e anga naba ana tai ao baina ni ibuobuoki ibukin karaoan te kamatebwai aio are e waaki iai ma kain Rabi.

*Moan te kakawaki bwa ena oota, bwa te kamatebwai aio eaki kona ni kabonganaki ibukin te kateitei nte bowi n aba ake a taekinaki nte ribooti aio.*

Tamnei ni kabane aika a kabonganaki n te ribooti aei a reke mai iroun Vaitoa Teaiwa Mallon, temanna te nati ni Banaba ae e reirei nte kuura ae rietata i Niutiran ae te University of Auckland. Vaitoa e maeka iaon Wellington ao bon kain te kawa ae Tabiang ao Tabwewa iaon Banaba ao Rabi. E rairaki te ribooti aio iroun Itinterunga Rae Bainteiti man te Rabi Island Community Hub Consultancies i Nuku, Rabi.

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## RONGORONGONA AE KIMOTOTO

Nte ririki 1945, te Tautaeka ni Buritan ao te kambwana ni keniken ae te British Phosphate Commission BPC, ngaia ake a kamwaingia kain Banaba nako Rabi ibukin kan reitan kenakin Banaba.<sup>1</sup> Nte ririki 1980 tabun ao ea nang uruaki aon Banaba imwin kenakina iroun te BPC.<sup>2</sup> Man te ririki 1945, iai tabeman kain Banaba ake a reke okia nako Banaba,<sup>3</sup> tabeman a mwaing nako tinaniku ao angia a bane n tiku iaon Rabi i Biiti.

Te kamatebwai aio e boboto iaon aron maiuia kain Banaba iaon Rabi nte tai aio; ao kanganga ake a rotaki iai, ake a reke man te keniken, te karaoa mabwe n aki akaka irouia kain te korone ao mani kanganga man tua n tararua ibukia. Ana Tautaeka tei Banaba ao aron tararuaia a bwaka iaan tautaeka n aba aika uoua bwa Biti ao Kiribati. Te boki aio e tia mai imwin ana makuri ICAAD, te rabwata n rooia nte aonnaba ae Clifford Chance n reitaki ma te Civil Society (BLoGSC) Working Group, te komete ni makuri are e kateaki iaon Rabi ao n ikotaki ma tabeua maroro ake a karaoaki ibukin te anai rongorongona iaon Rabi man Nobwembwa 2021 nakon Tuun 2022. Te makuri are e wakinaki ibukin katian te boki aio e moanaki man katebenakoan tabeua titiraki aika a nang kakawaki ibukin kanganga ake a rotaki iai kain Banaba iaon Rabi (n reitaki ma ake iaon Banaba). Titiraki ake a tebenako a bane naba n tia n reke kaekaia ma katamaroa ake ana manga tabe ngkai ni makuriaki. Te rabwata ae ICAAD n reitaki ma te komete ni makuri are e kateaki BLoGSC a tia ni barongai mani kawenei kakaewenako ke bwaai ake a tangiraki bwa ana kaotinakoaki n aia botaki are e karaoaki nte Silo 6<sup>4</sup> | Aukiran, Niutiran nte namwakaina ae Beberuare, 2023.

<sup>1</sup> Jane McAdam, "Under Two Jurisdictions": Immigration, Citizenship, and Self-Governance in Cross-Border Community Relocations", Law and History Review, Volume 34, Issue 2, May 2016.

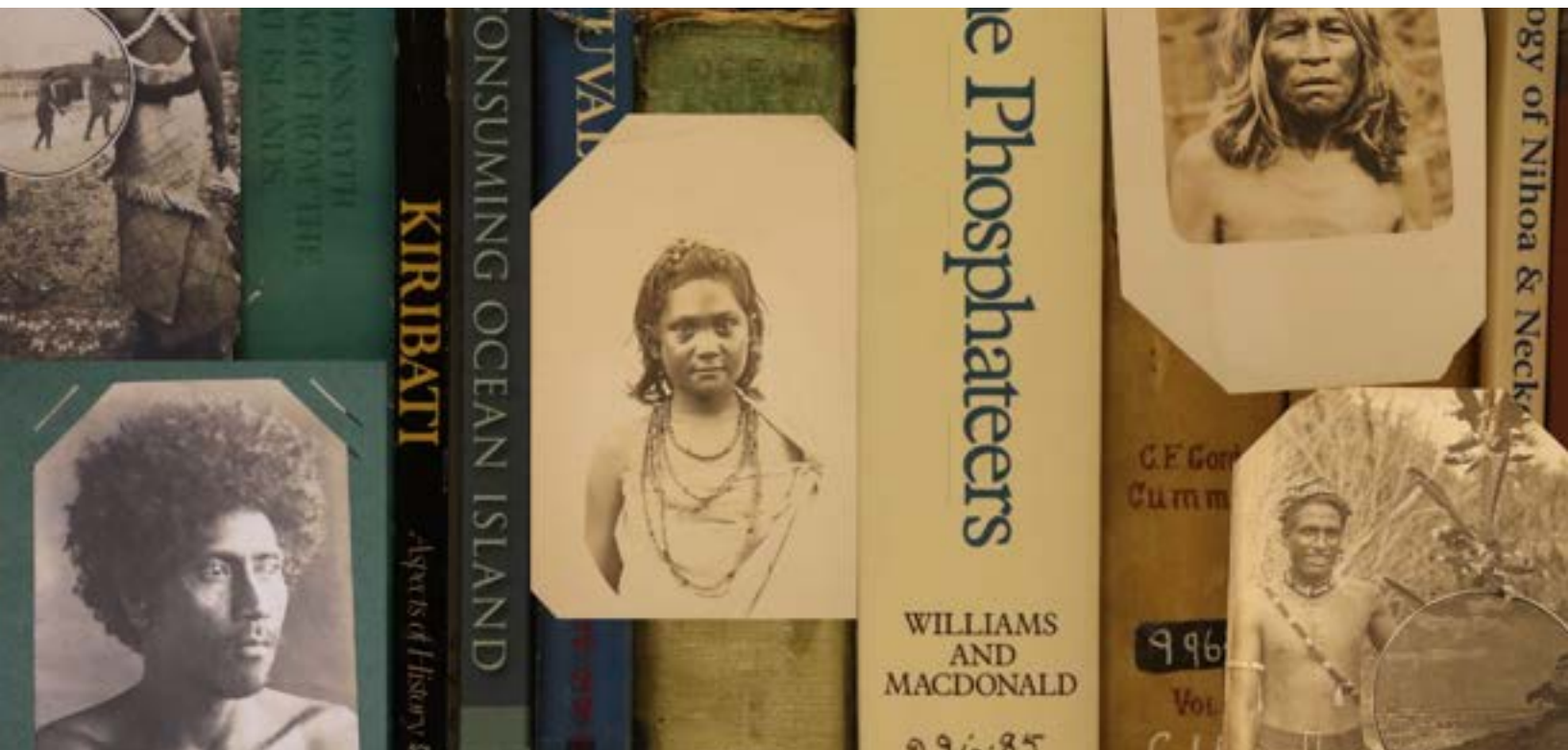
<sup>2</sup> "Destruction by Phosphate Mining", accessible at: <https://www.banaban.com/destruction-caused-phospahte-mining>.

<sup>3</sup> The Guardian, "The island with no water: how foreign mining destroyed Banaba", 8 June 2021, accessible at: <https://www.theguardian.com/world/2021/jun/09/the-island-with-no-water-how-foreign-mining-destroyed-banaba>.

<sup>4</sup> "Art Exhibit Brings Banaban Human Rights Struggles to Global Stage", ICAAD, 27 February 2023, accessible at <https://icaad.ngo/2023/02/27/art-exhibit-brings-banaban-human-rights-struggles-to-global-stage/>.

## ARON KARAOAN TE RIBOOTI AIO

Te kamatebwai ibukin katian te boki aio e karaoaki iroun te botaki n rooia ae Clifford Change, ICAAD ao te komete are e kateaki iaon Rabi ae Banaba Local Government and Civil Society (BLoGSC) Working Group. E boutokaki ana makuri ni kabane BLoGSC iroun te ICAAD. Kanoan ana boutoka ICAAD bon kamanemanean ana kaongora BLoGSC iaon Rabi ibukin te kakae iaon titiraki ake a irekereke ma aron uruan inaomataia kain Banaba n aron kamwaeakia nte aro ni iowawa.<sup>5</sup> Tiaki ti anne ma tera reirei ake a reke man aron kamwaingaakia kain Banaba ake ana kona ni manga riki bwa rongorong ake ana manga bongana ibukin katamaroan aron kamwaingakia koraki ma utu ake ana rotaki man Bibitakin kanoan te bong n taai aika ana roko. Aio kanoan ana burokuraem ICAAD are e makuria ibukin kamanoan te botaomata man makuri ni iowawa man te kamwae man ana urubwai bibitakin kanoan boong. Iai uoua te tai are e karaoaki iai te maroro nte intanete ma temanna te nati ni Banaba ae Professor Katerina Teiawa ao temanna naba ae te tiambion te Betebeke iaon Bibitakin kanoan te bong, ae Nei Pelenise Alofa. Man taian maroro ao kakae ake a karaoaki ao e katauraokai iai te kamatebwai ke te boki aio iroun Clifford Chance. Kanoan ni kabane te kakae nte boki aio a bane n tia maroroakinaki nakoia kain te botaki n Aine ae Te Mwenga ao tabeman mata mwane ake a reke rokoia n Tuun 2022. Te kaitau naba ae moan te bati nakon Krissta Krischenheiter. Neiei bon te rooia are e makuri iaon Rabi inanon 6 te wiki ni karaoa ana kamatebwai iaon tuaia kain Banaba iaon Rabi. Kanoan tabeka ake a otinako bwa raon te ribooti kanoan ana makuri Krissta are e ibuobuoki iai iaon Rabi.



<sup>5</sup> "Protecting the Right to Life with Dignity of Climate Displaced Persons", accessible at: <https://icaad.ngo/righttolifewithdignity/>.

## RONGORONGON BANABA

Banaba, ke e kinaki ngkoa n arana ae Ocean Island, te aba ae e rietata ao e mwaiti iai te kuana ke te phosphate, e wene imarenan Kiribati ma Nauru mai maeao, nte Betebeke. Raroana mai Kiribati e kan reke 400 te kiromita ao 300 te kiromita mai Nauru.<sup>6</sup> Ni banen te ka 19 tienture, e tabe ni kekerake mwaitia kain Buritan ake a maekana Aotiteria ma Niutiran. Kainanoan te kuana e tabe naba ni kekerake ibukin te ununiki n aba aikai ibukin kanaia kain Buritan.<sup>7</sup> Nte ririki 1900, ana taan kakaea Buritan a kunea te kuana ae te kabanea n tamaroa iaon Banaba are ena kona ni kamaiua te tano ibukin te ununiki. Aio bukina ngke Buritan e katawea naba ni mwaing n anaa Banaba ni karinna bwa raoia kain Kiribati me Ereti.<sup>8</sup>

Buritan ngaia te aba are anga te kariaia nakon te BPC, te kambwana are bwaibwai iai Niutiran, Aotiteria ao Buritan bwa ana taua ao ni kabongana te kuana are e kuneaki iaon Banaba. Nte moan tai ao kain Banaba a kariaia kenakin ti tabeua taabo iaon Banaba. Ma n tokin te tai ao te BPC eaki kan ongo irouia kain Banaba ao e waki ni keniken ao n aki kan karaoa te kabomwi nakon ana urubwai nakon te aba.<sup>9</sup> Nte ririki 1915, Kiribati ao Ereti ake aba ake a tararuaki iaan Buritan a reke bwa te korone ao nte ririki ae 1916 ao ea karinaki Banaba bwa teuana aban te korone aei.<sup>10</sup>



*Te mabwe are e karaoaki iroun David Garcia.*

<sup>6</sup> Katerina Teaiwa, *Consuming Ocean Island: stories of people and phosphate from Banaba* (2015) Bloomington: Indiana University Press

<sup>7</sup> *Ibid.*

<sup>8</sup> Present-day Kiribati and Tuvalu.

<sup>9</sup> BBC, "Kiribati profile – Timeline", accessible at: <https://www.bbc.co.uk/news/world-asia-pacific-16433905>.

<sup>10</sup> *Ibid.*

Nte tai ae eaki maan, ao kain Buritan ngaia ake a tabe naba iangoa kamwaingaiia kain Banaba mai Banaba nakon abaia ae e boou, are e kaboaki man manen te kuana. Nte ririki 1942, taan makuri n aobitin te korone ake kain Buritan ngaia ake a kaboa Rabi i Biti.<sup>11</sup>

Nte te kaoua ni buaka ao a mwaiti kain Banaba ake a kitana Banaba ao iai naba ake a kamwaingaki nte iowawa irouia kain Tiaban.<sup>12</sup> Nte ririki 1945, n tokin te kauoa ni buaka, kain te tautaeka ni Buritan ao te kambwana are te BPC a tuangia kain Banaba bwa aki kona n okira abaia bwa eaki kona ni maekanaki aona imwin te buaka ao a riai ni mwae nako Rabi.<sup>13</sup> Ngke a roko kain Banaba iaon abaia ae e boou ae Rabi ao a kunea bwa akea te bwai ae e tauraoi imwaia n aron aia auti ni maeka ao a mwaiti riki.<sup>14</sup>

## TE MAENAKO

E reke inaomatan Biti nte ririki 1970. Nte ririki 1975, Kiribati ao Ereti a kamaenakoaki bwa aba aika kaokoro. Nte ririki 1979, e reke inaomatan (Gilbert) n arana ae Kiribati. Inanon naba taai akanne ao a tabeka naba kan inaomataia kain Banaba mai iaan Kiribati. Eaki reke inaomatan Banaba ma iai kanoan ana Tua ae Maungatabu Kiribati are e kawakinaki iai ana riai tei Banaba.

**Nte ririki 1979, e toki te keniken iaon Banaba, ao 22 te mirion te tane are ea tia ni kenaki mai iaon Banaba. 90 te katebubua are e bua mai mataniwin aon te aba iaon Banaba. 80 te mita rietan Banaba are e bwaka nakon 20 nakon 30 te mita iaon tari abakin te keniken mai ieta nako naano.**

Nte ririki 1965, kain Banaba a uota aia tang nako Buritan ni katea te Tautaeka ni Buritan ao te kambwana ae te BPC are e toki raoi nte ririki 1979. Aio te kabanea n ababaki n tang nte aonnaba are e uotaki nako matan te bowi iaon Buritan. N tokin te tai ao te Tautaeka ni Buritan e anga te ex-gratia ke te mane ibukin ae ana aki manga katabeaki Buritan ibukia kain Banaba nte bwai ae e riki. Aio te mwaiti ni mane ae e rangi uarereke ibukia kain Banaba n aia keiti are a tei iai. Nte ririki 1979 ao e reke inaomatan Kiribati mai iroun Buritan ao Banaba, e ngae ke e rawa, e karinaki iaan Kiribati.

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<sup>11</sup> Jane McAdam, "Under Two Jurisdictions": Immigration, Citizenship, and Self-Governance in Cross-Border Community Relocations", *Law and History Review*, Volume 34, Issue 2, May 2016.

<sup>12</sup> *Ibid.*

<sup>13</sup> Tito v Waddell (No.2) [1977] Ch 106, paragraph 186.

<sup>14</sup> Julia B. Edwards, "Phosphate mining and the relocation of the Banabans to northern Fiji in 1945: Lessons for climate change-forced displacement", *Journal de la Societe des Oceanistes*, 2014, pages 138-139, accessible at: <https://journals.openedition.org/jso/7100>.



## BANABA NTE TAI AIO

Iai aika maeka iaon Banaba nte tai aio. Nte ririki 2021, mwaitia kain Banaba e kaan 300.<sup>15</sup> Te uruaki ae e riki iaon Banaba e nang korakora ao ni karokoa te bong aio ao bon akea naba kan tarakin Banaba irouia Tautaeaka ake a mena iaana aika – Biti ma Kiribati – ao aio are e teimatoa naba n urua aron inaomataia kain Banaba ni boong aikai.

A mwaiti kanganga are e rotaki iai kain Banaba imwin te keniken. Te ran bon teuana te kanganga ae e tiku ni maan ni karokoa te bong aio. Nte ririki 2021, te Tautaeaka ni Kiribati e katea uoua mitin ake a ononea taari nakon te ran ni moo. Mitin aikai aki nang tei maan ao a manga uruaki nte tai ae e waekoa, ao 300 mwaitia kain Banaba ake a karekei nimaia ni moo man taabo aika barekareka ao a karika te aoraki.<sup>16</sup> N Tianuare 2023, ana tia babaire te botaki n Unimane iaon Banaba a kanakoa aia ribooti bwa a rotaki maiuia kain Banaba man taren te kaako ao te ran. Ea mwaiti aia tai n takakarua te kanganga aio nakon te Tautaeaka ni Kiribati ao Biti ibukin buokaia.<sup>17</sup>

Ibukin naba te keniken iaon Banaba n taai aika nako, ao e rotaki naba maiuia kain te aba man unikan kanaia bwa angin taabo ake a kona n unikaki a bane ni kenekaki ao angin naba kai n amarake a bane ni bwaka.<sup>18</sup> Banaba bon te aba ae e nang raroa nako ao aio bukina ngkai e nang kanganga rorokon te kaibuke ibukin karokoa kaako. Ao ngkai eaki kona moa n unikaki aon Banaba, ao a rotaki maiua aomata man karekean kanaia.<sup>19</sup>

<sup>15</sup> The Guardian, "The island with no water: how foreign mining destroyed Banaba", 8 June 2021, accessible at: <https://www.theguardian.com/world/2021/jun/09/the-island-with-no-water-how-foreign-mining-destroyed-banaba>.

<sup>16</sup> The Guardian, "The island with no water: how foreign mining destroyed Banaba", 8 June 2021, accessible at: <https://www.theguardian.com/world/2021/jun/09/the-island-with-no-water-how-foreign-mining-destroyed-banaba>.

<sup>17</sup> Radio New Zealand, "Elder says water crisis on Banaba is a human rights issue", 19 January 2023, accessible at: [https://www.rnz.co.nz/international/pacific-news/482696/elder-says-water-crisis-on-banaba-is-a-human-rights-issue?fbclid=IwAROFBFRv2IFdYRRu6rA1Td3s3m7kd7detzbdveCzIWreI9JxQvB9oabo\\_po&mibextid=Zxz2cZ](https://www.rnz.co.nz/international/pacific-news/482696/elder-says-water-crisis-on-banaba-is-a-human-rights-issue?fbclid=IwAROFBFRv2IFdYRRu6rA1Td3s3m7kd7detzbdveCzIWreI9JxQvB9oabo_po&mibextid=Zxz2cZ).

<sup>18</sup> National Geographic, "Life in a harsh paradise: surviving drought on Banaba island", 12 August 2016, accessible at: <https://blog.nationalgeographic.org/2016/08/12/life-in-a-harsh-paradise-surviving-drought-on-banaba-island/>.

<sup>19</sup> *Ibid.*

iaon Banaba ao a mwaiti asbestos aika a kabonganaki ngkoa bwa kaabwan auti n tain te keniken ake a kakoauaki bwa a bane ni boitin. Imwin tokin te keniken ao a mwaiti auti iaon Banaba ake a uruaki kaabwaia ma rabwataia.<sup>20</sup> Te makuri ibukin kanokoan asbestos mai iaon Banaba e nang kanganga nte tai aio ibukin raroan Banaba. Akea kawain te kaibuke ae ena teimatoa nanako Banaba, akea ana marae ni wanikiba Banaba, akea naba auti iruwa ke auti ni maeka aika raoiroi, akea te kaako ao akea naba taabo ni mange ibukin tararuan mange aika a boitin n aron te asbestos.<sup>21</sup> Te makuri ni katamaroa ibukin kaokan aron Banaba nakon teina mai imwaina ke te rehabilitation e kainanoa te makuri ae e mwaiti n aron katamaroan taian bangabanga bwa ena kona ni karekeaki te ran ni mooi ao karikirake ibukin manga unikan aon Banaba ibukin te maiu ao ai kanakoan mange n aron asbestos aika a nang boitin nakon te botanaomata.

### **KAIN BANABA IAON RABI**

Nte ririki 1995, mwaitia kain Banaba iaon Rabi ea roko 5,000 ni kabotauaki ma 1,000 ake a moan roko iaon Rabi nte ririki 1945.<sup>22</sup> Imwin katean te tautaeka ni Buritan ao te BPC nte bowi, ao iai 10 te mirion manen Aotiteria are a anganaki kain Banaba bwa te ex-gratia ke te mane are ena kamwawa iai Buritan man katabeana ibukia kain Banaba. Te mane aio e tararuaki iaan tuaia kain Banaba i Biiti ae te Banaba Settlement Act. Ibukina bwa iai kamanemaneai kain Banaba iaon Biti are e tararuaki iaan ana tua Rabi ao te Tautaeka ni Biti ea bon katuka Rabi bwa ena bon waakina ana waki ni karikirakea abana ae boou.

Te mane aio eaki tau ibukin karikirakean Rabi ao Rabi e teimatoa n riki bwa te aba teuana iaon Biti ae e nang waremwe rikirakena.<sup>23</sup> Irarikin aio, Rabi bon te aba teuana ae e tionako nako naba iaon Biti ao e nang kanganga aron te reitaki ao karokoan te intanete ma te tareboon ni kawana ni kabane ao ngkana iai, eaki raoiroi; kawaina a nang buakaka, eaki nang raoiroi te bwao ni mamananga ao e nang uarereke naba bwanaia inanon ana waaki te Tautaeka.<sup>24</sup>

Nte tai aio, e tararuaki Rabi iroun te bonomwi Taraekita ao ana Tia Tantani ana Aobiti te Buraim Minitita. E kamaunaki te rabwata ni Kauntira are e rineaki iroun te botanaomata nte ririki 2013. Ana mane ni makuri te kauntira e roko man ana aobiti te Buraim Minitita ao e tararuaki iroun te bonomwi n Taraekita ao te Tia Tantani are e kateaki man ana Aobiti te Buraim Minitita.

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<sup>20</sup> A survey carried out as part of the Pacific Hazardous Waste Project for the Secretariat of the Pacific Regional Environment Programme in May 2015 analysed 26 sample sites and found asbestos at all of them. See A four year, EUR 7.85 million project funded by the European Union to improve regional hazardous waste management. See SREP PROE, "Survey of the Regional Distribution and Status of Asbestos", 2015, accessible at: [https://www.sprep.org/attachments/pacwaste/SPREP\\_Asbestos\\_Report- RMI - Final.pdf](https://www.sprep.org/attachments/pacwaste/SPREP_Asbestos_Report- RMI - Final.pdf).

<sup>21</sup> *Ibid.*

<sup>22</sup> United Nations International Human Rights Instruments, "Core Document Forming part of the Report of States Parties", 14 March 2007, accessible at: <https://www.refworld.org/docid/464031c72.html>, pp. 12-13.

<sup>23</sup> S Kumar, "Poverty and Deprivation Amongst Ethnic Minorities in Fiji", *Fijian Studies: Journal of Contemporary Fiji*, January 2006, accessible at: <https://search.informit.org/doi/10.3316/informit.201516565771453>.

<sup>24</sup> United Nations International Human Rights Instruments, "Core Document Forming part of the Report of States Parties", 14 March 2007, accessible at: <https://www.refworld.org/docid/464031c72.html>, pp. 12-13.



Iai ana mane ni buoka te Kauntira man te Tautaeka ni Biti ae e teimatoa n rereke n aroia naba kain Rotuma ma Kioa. N ana kataumane te Tautaeka ni Biti nte ririki 2022-2023, mwaitin ae e rereke iroun te Kauntira n Rotuma ao Kioa te mwaiti ae \$140-\$150 iaon temanna te aomata ni kabotauaki ma are e reke iroun te kauntira n Rabi nte mwaiti ae \$30 iaon temanna te aomata.<sup>25</sup>

Teuana naba te kabuanibwai ae e reke man kamwaeia kain Banaba bon buan aia katei ma aroaroia, rikia ao mwaiti riki bwaai aika a nang kakawaki ibukin kinaakia. Eaki ti rotaki Rabi man te kanganga ae a tautaekanaki irouia aba aika uoua ma e rotaki naba ni mwaunan kinakia n aroaroia ma aia katei. Teuana te katoto, te Kauntira iaon Rabi e memere ana kona ni kaoki bwain Banaba ake a tiku iabatera. E tuai noraki aia kakamakuri aba aika uoua ake a mena iaana Rabi ao Banaba ni kamanoi aia bwai kain Banaba ake e kaota iai kateia ma aroaroia. Iaon Biti, uarereken tibwan Rabi man te buoka e karika te kanganga n aron akean booia taan reirei ibukin te katei ni Banaba n ana reirei Rabi.

## **RONGORONGON TE KENIKEN AO TE KABOMWI**

Te boraraoi ae te Nauru Island Agreement ae karaoaki nte ririki 1919, bon te boraraoi are e tei iai te BPC ao ni kaainaki iroun Niutiran, Aotiteria ao Buritan ma aia Komitina aba aikai, ngaia ake a baronga aron kenakin Banaba. Nte 1980, kain Banaba a katea te Tautaeka ni Buritan ao te BPC, nte keiti imarenan Tito ao Waddel (No.2). Te keiti aio e bane n aki tarai kanganga ake ana kona n irekereke ma te “te kamwaing ni iowawa”. E mwaiti kanganga ake a kaitaraaki iai kain Banaba ibukin aia keiti aio, teuana bon te aki ota raoi bwa tera bukibuki ake a uotaki n ikotaki ma aki taun aia tai ibukin tabekan aia keiti aika mwaiti. Eaki naba tokanikai aia keiti ibukin karekean kabomwi aika mwaiti ibukia. Irarikin aio, nte ririki 1981, e roko tokin aia keiti are a uotia bwa aia tang ni kaitaraa Buritan, Aotiteria ao Niutiran.

N atakina, e kona ni manga uotaki riki te tang aio ibukia aba ake a urua Banaba ao kamwaingia kaina nte iowawa, nte tua ae tabangaki nte aonnaba ao bon ti te aba ae ea tia inaomata ae e kona ni manga uota te tang; ao tiaki te aomata n ti ngaia n aron are e karaoaki n ana keiti Banaba nte moan tai. Are nanona bwa ngkana iai manga kan uotan ana keiti Banaba nakoia aba ake a tia n kateaki mai imwaina aika Buritan, Aotiteria ao Niutiran; ao ti tautaeka n aron Biti ke Kiribati ae e kona ni uota te tang ibukia kain Banaba ngkai akea moa te tua bwa e kona ni uotaki te tang iroun ti temanna te aomata.

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<sup>25</sup> In the 2022-2023 budget, \$240,000 was allocated to the Rotuma Island Council (est. 2017 population 1,594), \$70,000 was allocated to the Kioa Island Council (est. 2022 population 500), and \$155,000 was allocated to the Rabi Island Council (est. 2022 population 5,000). See Fiji Government 2022-2023 Budget Estimates, pp. 17, accessible at: [https://www.economy.gov.fj/images/Budget/budgetdocuments/estimates/2022-2023\\_Budget\\_Estimates\\_-\\_As\\_Approved\\_by\\_Parliament.pdf](https://www.economy.gov.fj/images/Budget/budgetdocuments/estimates/2022-2023_Budget_Estimates_-_As_Approved_by_Parliament.pdf).

Ngkana arona bwa iai kain Banaba ae e kamwaingaki man abana ake uoua, ao aio bon te bure ae e kakaiaki are ena kona n urua iai inaomatana. Iai naba keiti mai imwaina are ea tia naba ni kateaki iai Aotiteria ibukin ana urubwai iaon te aba ae Nauru. Nte ririki 1989, Nauru e uota ana tang nakon te International Court of Justice (ICJ) ibukin kaboan mwin te urubwai are e karaoaki nakon abaia man kenakin te kuana ao aki karaoan nanon aia moti are ana manga kaoka aron Nauru nakon are mai imwaina.<sup>26</sup> Ni motin ana kateitei Nauru ao e karaoa ana kabowi te aba ae Aotiteria nte mwaiti ae AUD 120 million inanon 20 te ririki.<sup>27</sup>

Te kanganga ibukin kamwaeia kain Banaba e tiku bwa te titiraki ni karokoa te bong aio ao Kiribati bon te aba ae eaki kona ni manga uota ana keiti Banaba ibukina bwa ea tia n reke irouna te mane are e kabwakaki iroun te Tautaeka ni Buritan ni mwaitina ae 1.17 te birion manen Amerika. Te ware aio e nang uarereke nakon are ena kabwakaaki nakoia kain Banaba ibukin te kabomwi. Anne bukina ngke eaki kan tei Kiribati ibukia kain Banaba.<sup>28</sup>



<sup>26</sup> Nauru alleged that Australia had breached the trusteeship obligations it had accepted under Article 76 of the Charter of the United Nations and the Trusteeship Agreement for Nauru. See International Court of Justice, "Nauru v Australia, Overview of the Case", accessible at: <https://www.icj-cij.org/en/case/80>.

<sup>27</sup> New Scientist, "Nauru settles", 14 August 1993, accessible at: <https://www.newscientist.com/Article/mg13918862-500-nauru-settles/>.

<sup>28</sup> Kiribati Government, "2021 Recurrent Budget", accessible at: [http://www.mfed.gov.ki/sites/default/files/FINAL%20RB2021\\_AS%20APPROVED%20BY%20THE%20MM\\_03.12.2020.pdf](http://www.mfed.gov.ki/sites/default/files/FINAL%20RB2021_AS%20APPROVED%20BY%20THE%20MM_03.12.2020.pdf).

## ARON KAINAKIN TE ABA

N aron ae e tei nte tua nte tai aio, kain Banaba ake a maeka iaon Biti ao Kiribati a kona n riki bwa kain aba aikai. Nte tai aio ao e nang mwaiti te kanganga ibukin karinaia kain Banaba ake akea aia bwebwa ni bung n aba aikai ao e mwaiti naba aia kanganga ni karekei uoua aia batiboti. Iaon Biti ao eaki nang kanganga karinaia kain Banaba bwa ana kaina te aba (te katoto, koaki kainanoa bwa kona kaota rikim ni Banaba) bwa te Kauntira e ibuobuoki iaon aio. Ko kona n riki bwa kain Biti ngkana ko bungiaiki iaon te aba, e tia n tauaki mwim, koa tia ni karinaki bwa kain te aba, aio are e kaeti ma ana tua Biti ibukin kainakin te aba are e kabwatakaki bwa ana Tua Biti nte ririki 2009. Kaokoron Kiribati ma Biti bwa ngkana kain Banaba ngkoe ao kona kariniko bwa kain Kiribati, ao kona n riai n anga rikim ni Kiribati. Nte tai aio e nang mangao aron te karinrin ao e bon nang okoro ma aron atakin te tua iaon Kiribati bwa kain Banaba a kona n riki bwa kain uoua te aba.

N taai aika nako, ao a mwaiti kain Banaba ake a bane n tia ni manga kaoki aia batiboti ibukin karekean aia ka uoua ni batiboti. E ngae ngke te Tua iaon Biti ao Kiribati e kariaia bwa ana kona kain Banaba n reke uoua aia batiboti, ao e nang mwaiti kanganga ake a kaitiboaki iai kain Banaba ibukin karekean aia batiboti n aba aika uoua aikai. Nte tai aio, ao e nang kakawaki bwa ana riai kaotaaki kain Banaba aia riai ibukin kainakin aba aika uoua aikai. N taai aika ana roko, kain Banaba ana kona n uneakina inaomataia ma aia riai ibukin kainakin Biti ao Kiribati iaan katabeaia aba aikai nte Tua.

E kainanoaki naba te ibuobuoki ibukia kain Banaba ake aki tauaki mwia ke a “undocumented” aika a maeka iaon Rabi ao mani kamataki naba nakoia aron kawaia ibukin karekean tukuia iaon Biti. A riai naba ni buokaki koraki ake a tia ni kanakoa aia batiboti ni Biti ibukin karekean aia batiboti ni Kiribati bwa ana buokaki ni manga kaokaki aia batiboti kioina bwa e nang bo buaka manga kaboan kaokan am baitiboti are koa tia ni kanakoa ibukin karekean are teuana. Aio e riai ni karaoaki ngkai Biti ea tia ni kariai bwa kain Banaba ana kona n riki bwa kain te aba iaan te Tua. E kainanoaki naba karaoan te anga reirei nakoia kain Banaba bwa ana ota ao man n ata raoi kawai ake ana toui bwa ana riki bwa kain te aba (n aron karaoan bwebwa ni kaongora are ena kona n reke otaia aomata mai iai ao ni kona n atai aobiti ake ana reitaki ma ngaia ibukin buokaia) ao te ibuobuoki aio e na riai naba n reke irouia te nati ni Banaba ake a maeka itinaniku.



## **BWAAI AIKA A TANGIRAKI KARAOAKIA**

Aikai tabeua tabeka ke bwaai aika tangiraki bwa ana karaoaki ake a bobotakiaki iroun ICAAD ao te komete ni makuri mai Rabi BLoGSC. A bane n reke tabeka aikai mai imwin karaoan te kaongora iaon Rabi.

- 1) **E butiaki te Tautaeka ni Kiribati bwa e riai ni kateimatoa tibwangana n tobwa Banaba ibukin aia kanganga n tataren te kaako ao te ran.** E riai naba ni karekei katokan kanganga iaon Banaba ibukin tataren te ran ao te kaako tiaki n ti taai are e reke iai te kanganga, ma nakon aika ana roko ao e riai naba ni katamaroa aron te mamanananga nako Banaba (n aron karaoan ana uaabu ao ana marae ni wanikiba Banaba), karaoiroan ao katamaroa ibukin kawain te kaibuke nako Banaba ao katamaroa ibukin te ran. E nang kakawaki naba bwa te Tautaeka ni Kiribati e riai ni karaoa kanoan te ribooti are e karaoaia SOPAC ibukin kaokan aron Banaba nakon arona are mai imwaina ao kanakoan taian asbestos.
- 2) **Ana Aobiti te Buraim Minitita iaon Biti e riai naba ni karaoa ana kakaei iaon Rabi ao ni karaoa ana tirobae ibukin ana waaki ni karikirake ake a tia ni karaoaki n taai aika nako.** Ngkana a waaki ni karaoa te kakaei aio ao ena riai n iai aia kainibaire ibukin kaokan ana rabwata te Kauntira. Tabeua bwaai ake a kainanoaki ibukin te onono nakon aia Tua kain Banaba iaon Rabi iaan te Banaban Settlement Act 1970 a bane ni kona ni warekaki nte bwebwa ae e airi ma te ribooti aio A: Tabeua taian onono aika tabekaki ibukin tuaia kain Rabi ae te Banaban Settlement Act 1970.
- 3) **Te Tautaeka ni Kiribati ao Biti a riai raoi ni kamanoia kain Banaba n aron kawakinan tua ibukin kainakin abaia.** Aki karaoan nanon aio bon uruan inaomataia kain Banaba.
- 4) **Te Tautaeka ni Kiribati ao Biti a riai ni karekea te ibuobuoki nakoia kain Banaba ake a kan karekei tikuaia iaon abaia ke koraki ake a tibwa biriakina aron tikuaia iaan aba aika uoua aikai.** E riai naba ni kauarerekeaki boona ao ni katamaroaki aron buokaia kain Banaba bwa ena aki nang ababaki makuriana.
- 5) **Te Tautaeka ni Biti e riai ni katea te Botaki ke te Ministry ibukia ake tiaki kain abaia n aroia kain Rabi, Kioa ao Rotuma ibukin karekean buokaia ao tararuia koraki aikai.**
- 6) **Te Tautaeka ni Buritan, Aotiteria ao Niutiran a riai ni anga aia mane ni ibuobuoki nakon te Loss & Damage funds ke te rabwata ni mane are e kateaki ibukin uruan aba aika a rotaki man makuri n aron te keniken.**



## **AE E AIRI MA TE RIBOOTI AIO A: TABEUA TAIAN ONONO AIKA TABEKAKI IBUKIN TUAIA KAIN RABI AE TE BANABAN SETTLEMENT ACT 1970**

Aikai tabeua taian tabeka ibukin te katamaroa ake a bobotaki mai imwin te kaongora iaon Rabi.

- 1) Makoro 2: E riai ni kabwarabwaraaki raoi bwa Te Unimane ena riai n tia ni koro 60 ana ririki. Te kabwarabwara e kainanoaki naba ibukin katein Banaba ke bwaai aika bwaka iaan te Customary Law.
- 2) Makoro 3: Ibukin ana tai ni kabowi te Kauntira ae 6 te tai nte ririki, e riai ni bitaki aio bwa ana bobowi ni katoa namwakaina. E riai naba n tianaki ana tei te Kauntira ti nakon 4 te teem mai ieta.
- 3) Makoro 3A: A riai n aki kariaiakaki aomata ake a tia ni kuneaki ni bure iaan te Tua n aron ae tao a tia ni kabureaki ibukin aia kabua mane, ke iai aia keiti ae e wene nte Auti ni bowi nte Tautaeka ni Biti ke nte Tautaeka n Rabi ke iai bukinaia ae e wene n rabwata ake taan karaoa te kakaei.
- 4) Makoro 4 and 6: Ngkana arona bwa iai te kanganga imarenan te Kauntira ao kain ana baba n tararua te Banaban Trust Fund ibukin karaoan boraraoi n irekereke ma kabongan te mane, e riai ni mwaka te baba tararua iaon te Kauntira.
- 5) Makoro 5: Mwakan te tarabunare ao ana Auti ni Kabowi Rabi e riai ni mwaka ao n teimatoa inaomatana man te rabwata ni Kauntira. Te Kauntira e riai n aki anganaki mwakana inanon ana waaki te kabowi bwa anne reken te kanganga bwa ena kona n ekanako te Auti ni Kabowi. Nte tai aio te aobiti are e tabe ibukin te tabo ni kabowi e kamemerea mwakan tabo ni kabowi iaan (Makoro 7(3)) iaan te tua ake a tauaki iai mwia tabo ni bowi ake inano, ngaia are e bon riai bwa ena bon akea mwakan te Kauntira are e rineaki irouia te botaomata bwa ana kamwinibaea te auti ni kabowi ioan Rabi.
- 6) Makoro 8: Te Auti ni kabowi iaon Rabi ea riai ni manga rinanoaki ao ni kamwaingaki nakon are iaona riki (second-class), nte aro bwa ena kona ni korakora mwaakana ibukin te kaburebure ao kawaerakean naba te ka tua n aron ae man te kaburebure ae 6 te namakaina/\$100 te ka tua nakon 1 te ririki/\$200 te ka tua.
- 7) Ana Tua te Kauntira ni Banaba 1951 Makoro 10 [reg 2]: lai tabeua katamaroa ibukin aron rinea Kauntira aika a tabekaki nte riboti aio ibukin te karaoiroi.
  - a) Sub section 5: E riai ni kabwarabwaraki bwa nte tai are kona rinerine iai kona riai ni maeka n teuana kawan Rabi, ao te ririki ibukin te rinerine e riai ni ibitaki man 21 te ririki nakon 18 te ririki bwa ena katitaboaki ma are nte Tautaeka.
  - b) Sub section 6: N aron ae ti uoman te aomata ae e kona n riki bwa te tia kakoaua ibukin te tia kan rineaki, ea riai ni ibitaki aio nakon anakin 50% nanoia kain te kawa are e kan rineaki iai te aomata are e kan anga arana bwa e kan Kauntira.

- c) Sub section 7: E riai ni bitaki te ware ae \$50 nakon \$100 ibukia ake a kan kabaei araia ibukin te kan rineaki bwa te Kauntira ao n aki manga kaokaki aia mane ngkana e tia ni kabwakaki nakon te Kauntira.
  - d) Sub section 9: Ni katoa tai ngkana e tia ana kabowi te Kauntira ao ana manga maungatabu inanon aia kawa. E riai ni ibitaki aio nakon are ngkana iai ana kabowi te Kauntira ao ena riai n uki nakoia aia botaomata te roko n ongora. A riai naba ni kaongoaki kometen ni kawa bwa ena ababaki te tai ni kaongongo nakoia aomata ibukin kaeana aia bowi Kauntira nte tai are e karaoaki iai.
  - e) Sub section 10: Ngkana iai kan kabwakakin te Kauntira, e riai moa ni kamatataki raoi nakoia te botaomata bwa tera bukin kabwakakina ao e riai naba te komete ni kawa n riki bwa komete ibukin borikan te kanganga.
  - f) E riai naba ni karinaki bwa ngkana ko kan rineaki ke ngkana ko kan anga aram bwa kona Kauntira ao ko riai ni kakoauaki bwa koa tia ni maeka iaon Rabi nte maan ae teuana te ririki imwain are ko anga aram. Taan kan rineaki a riai naba n ira te reirei mai iroun Te Tia Moti are ena kabwarabwaraaki iai Tuan te aba ao tanan tua ni kabane ibukin Rabi. Ni kabane taan kan rineaki nakon te Kauntira a riai naba ni maeka iaon Rabi imwin rineaia ao n aki kitana te aba.
- 8) Iaan ana Tua te Kauntira ibukin Rabi, nte Makoro 10 [reg 6]: Ea riai naba ni karinaki te Administrative Officer (AO) iaan te Tua bwa te tia buoka te Taraekita ao ni makuri iaan te Taraekita.
- 9) Iaan ana Tua te Kauntira ibukin Rabi 1951, Makoro 10 [reg 7]: A riai ni kaukaki te botanaomata bwa ana rin n ana kabowi te Kauntira ni katoa tai ngkana ena kabowi te Kauntira. A riai ni kaukaki aomata n ongora ana kabowi te Kauntira n aki tukaki.
- 10) Iaan ana Tua te Kauntira ibukin Rabi 1951, Makoro 10 [reg 10]: Ea riai karinaki te kibu bwa ngkana iai manga te kabakabaka iaan aia bubuti te botanaomata ao ena riai n iai uoman Kauntira man te kawa are e tabekaki mai iai te bubuti ni maroroakina kanoana ma kometen te kawa. Ngkana iai kanganga aika riki man te maroro ao e riai ni uotaki nakon te Te Tia Moti n ana Auti ni Kabowi Rabi.
- 11) Aikai tabeua taian tabeka ibukin katamaroan aia Tua kain Banaba iaon Rabi aika a riai ni rinanoaki ibukin katamaroan tobwakin te botaomata.
- a) Ni kabane mangan ana aobiti te Kauntira ibukia te botaomata a riai ni bane ni karinaki tabeia ma aia makuri iaan te Tua n aron aobitin te tabo ran, te aobiti ibukin te mweraoi ke Social Welfare, aobiti ibukin tauan mwin te aba, aobiti ibukin te roronirikirake ao te aobiti ibukin te ikotaki ni bureitiman iaon Rabi. E mwaiti te katamaroa ae e kona ni karaoaki nakoia aobiti aikai n aron kabwarabwaraan raoi tabeia ibukin te botanaomata iaan te Tua.

- b) A riai naba ni manga karinaki ke ni kaukaki aobiti aika boou ao n tararuaki irouia taan kairiri nte kauntira ao te Taraekita. Aobiti aika boou aika a kainanoaki teia nte tai aio n aron aobitin te mamananga, aobiti ibukin tararuan te kawai, aobiti ibukin te kaneweaba, aobiti ibukin itoman, aobiti ibukia bitineti ake ana kona n rikoi angabwai, aobiti ibukin tararuan te mange, aobiti ibukin tararuan kaubwain Rabi, aobiti ibukin te mauri, Aobiti ibukin te reirei ao rabakau ni Banaba. Aobiti aikai a kona ni buoka te kauntira n ana itera ni karekemane ngkana arona bwa a karaoaki raoi tua ibukin angabwai.
- c) E riai ni iai te kawain te botanaomata ni kona ni uoti aia tangtang nakon te Auti ni Kabowi ngkana iai nanobuakaia n ana moti te Kauntira, tua aika boou a riai ni warekaki nakon te botanaomata ake ngaia aika a riai n anga aia kariaia ibukin kabwatakia ao ena iai te tia makuri nte kauntira ae ena katabeaki bwa ena kaongoia kain te kawa.
- d) Mwakan ao taben te komete ibukin aba mani kawa a riai raoi ni kabwarabwaraki inanon te Tua. Aio are e riai naba n rin iai tuan kawa n aron rineaia kometen kawa, tabeia ibukin tararuan aia kawa, waaki ni karikirake ibukin katamaroan te kawai, te ran, te iti ao te kabwakabwaka inanon aia kawa.
- e) Te Tautaeka ni Biti ao te Auti ni Kabowi a riai ni uaia ni makuri bwa ngkana iai te bwebwa ni kabowi ae e kabutaki n ana tabo ni kabowi Rabi ao ea riai naba ni kinaki iroun ana ikotaki ni bureitiman Biti iaan aia tua ao ni kona ni kabutaki itinanikun Rabi.
- f) Te Auti ni kabowi i Rabi ea riai naba ni iai ana kona ni karaoi keiti ibukin te uneaki, te toba, keiti ibukin tuan te mauri, te kaburebwai ao ibukin tuan te kawai.

**AE E AIRI MA TE RIBOOTI AIO B: TUA AKE A KINAKI IBUKIN KATEIMATOAN AKI EKAKINAKOAN TE AOMATA**

Tua ake a kinaki ibukin kateimatoan akin ekakinakoan te aomata a bane ni kabwarabwaraki inano ma kawai aika a kona n touaki ngkana ia namakinan aki irakin nanoia. E ngae ke aki kona ni makuri kanoan tua aikai iaan boraraoi ake a tia n tiaainaki iroun Biti ao Kiribati ao bon iai naba kawai ake a kona n touaki ibukin tabekan te tang ibukin te aba are eaki kakoroa nanon te boraraoi. Iai ana konabwai ICAAD ni kona ni karaoi ribooti aikai ao e nang kukurei n anga nano ibukin karaoakin ribooti aikai. Ekakinakoan tua aikai bon kamwinibaeen ao uruan inaomatan tei Banaba.

<b>Boraraoi ake a tia n tiaainaki ibukin Inaomatan te Aomata</b>	<b>Inaomatan te aomata are e kamanoaki iai</b>	<b>Taan tiaaina</b>
Te boraraoi ibukin kamanoan te Kakaokoroaki ae e karaoaki nte ririki (CERD) 1969	CERD te boraraoi are katabua te kakaokoraki. Aba ake a tiaina te boraraoi aio bwa ea riai n toki te kakaokoroaki ao a riai naba ni karaoa kanoan te boraraoi aio.	Fiji
Te Berita ae e karaoaki nte ririki 1966 ibukin kamanoaia aomata ni kaota inaomataia ibukin kanganga inanon te waaki n Tautaeaka ao ibukin aia riai (ICCPR)	ICCPR e kabwarabwaraki bwa aekakin nakon inaomatan te aomata n aron: inaomatana man bwainikirinana man te iowawa, ongaraekinan ana keiti nte kabowi, ibukin inaomatana n taromauri, ao te aki kakaokoroaki.	Fiji
Te berita ibukin anganakin te aomata te kona n rikirake n itera ni karikirake ibukin abana ao kamanoan aroia ma aia katei are e tiaainaki nte ririki 1966 (ICESCR)	Te berita ae ICESCR e karaoaki nte aro bwa aomata ana kona ni iai aia riai ma inaomataia ibukin karikirakean abaia, kamanoan maiua ma aia katei, inaomataia nakon te reirei, inaomataia ibukin te maiuraoi, inaomataia ibukin kateimatoan mauria ao buoka ibukia ma aia utu.	Fiji
Ana boraraoi te UN ibukin kamanoan te aomata man te bainikirinaki (CAT) 1984	Te boraraoi ae CAT a kabaeaki iai aba ake a kaina bwa ena akea te makuri ni iowawa ae ena karaoaki nakon temanna ma temanna ao a riai ni karinaki inanon aia kainibaire n aia tua.	Fiji, Kiribati
Te boraraoi ibukin inaomatan te ataei (UNCRC) 1989	Te boraraoi ae CRC e kamanoa te ataei ae ana ririki e bwaka iaan te 18. Inaomatan te ataei n aron inaomatana n reirei, inaomatana ni kona n	Fiji, Kiribati



	takakaro, inaomatana nakon karekean te marurung man te botaki ni kuakua, inaomataia ibukin karineaia ma aia utu.	
Te boraraoi ibukin inaomataia aomata ake iai aki toamaun n rabwataia (UNCRPD) 2008	Ana boraraoi te UN ae CRPD e kabwaranakoi inaomataia te koraki ke aomata ake iai toaraan rabwataia ake a bon bungiaiki ma ngaia ke ae e reke man te aoraki ao te ikoaki ake ana kona ni katinanikuaki irouia kain abaia.	Fiji, Kiribati

Biti bon te aba teuana ae ea tia ni kaini boraraoi aikai ao e riai ni bukinaki ibukin aia kanganga kain Rabi ake a teimatoa ni kaitaraki ma ngaia ake a irekereke ma ICERD, ICCPR ao ICESCR. Kiribati ea tia naba ni kaini boraraoi n aron CAT, CRC ao CRPD aika a nang kaeneti raoi man kateimatoan inaomataia mwauku, inaomataia ataei, inaomataia aine ao inaomataia aomata man aia kona ni karaoi nanon inaomataia ao kamanoaia man te bainikirinaki.

NGOs ke botaki aika inaomata a kona ni karini aia ribooti, ribooti aika koreaki ma botaki aika kakaokoro ibukin bubuki ibukia aba aika a teimatoa n urui boraraoi ake a tia ni kabaeaki iai. Te katoto ibukin te ribooti aio ma kabaeia iaan te boraraoi aio n aron tarakin aron maiuia kain Rabi nte tai aio ma te kanganga ake a rotaki iai ibukin uarereken te kamakuri ao te reirei ni ikotaki ma tarakin aia auti ni maeka aika aki nang raoiroi. E nang mwaiti tua aika uruakaki mani kanganga aikai ake a tia ni kabeaki iai aba ake a mena iai kain Banaba, ma e riai ni karekeaki raoi kakoaua ao itera ake a kona ni kamakuraki iai kanoan boraraoi ibukin bukinaki ake ana tabekaki.

Ibukin kakoaua, e nang mwaiti anga ke itera ake a kona n reke ibukin boutokakin te tang ibukin boraraoi ake a uruakaki n aron karekean auti aika raroai ibukia kain Banaba, ibukin te reirei ao te kareke makuri. Aikai tabeua taian katoto ake a kona n reke iai kakoaua:

- Kain Banaba a teimatoa ni maeka n autin te Tautaeka n aron te Housing Authority ao Public Rental board flats
- Ti teuana te utu ae a kariaikaki iai kain Banaba bwa ana maeka n teuana te auti ni maeka ni kabotauaki ma kain te aba (I-Biti) ake a kariaiakaki bwa ana kona maeka ma aia utu aika mwaiti<sup>29</sup>
- Akea te scholarship ibukia ataein ni Banaba ae e onoti
- E nang mwaiti te inanonano nte kamakuri nte Tautaeka, karekean te scholarship ao akea raoi tibwaia kain Banaba nte scholar are kakanakoaki ibukia ianena.<sup>30</sup>

<sup>29</sup> Minority Rights Group International and Citizens' Constitutional Forum, "Fiji: The Challenges and Opportunities of Diversity", 2013, accessible at: <https://paperzz.com/doc/8825241/fiji--the-challenges-and-opportunities-of-diversity>.

<sup>30</sup> Minority Rights Group International and Citizens' Constitutional Forum, "Fiji: The Challenges and Opportunities of Diversity", 2013, accessible at: <https://paperzz.com/doc/8825241/fiji--the-challenges-and-opportunities-of-diversity>, p. 26.

## **UNIVERSAL PERIODIC REVIEW KE TE TIROBAE AE KAKARAOAKI NTE AONNABA IBUKIN KAOTAKIN URUAKIN INAOMATAIA AOMATA**

Te UPR bon teuana te anga ke te kawai ae a kona iai botaki ao aomata ni waaki ma ngaia. Te UPR e nang kinaki nte aonnaba ibukina bwa 193 mwaitin te aba aika a wawaki ni karaoa aia makuri n tirobae ao eaki nang kanganga aron te waki iai n aron boraraoi ake tabeua.

N aron ae e kinaki iai arana, UPR e rinanoaki naba irouia aba ake a kaaina ni katoa aua ma te iterana te ririki. Te Kauntira ibukin Inaomataia Aomata e kakaraoa ana waki tirobae teniua te tai nte ririki. Te tirobae ma botaki ao aomata e nang kakawaki inanon wakin te makuri ma ana Kauntira Inaomataia Aomata ibukina bwa aio te tai are a bane n ongoraeki iai tabeka ibukin katamaroan kanganga ake a rotaki iai maiuia te botanaomata.

N aron naba boraraoi ake tabeua, tabeka ake a uotaki irouia botaki aika mwaiti a kona naba ni karinaki inanon te ribooti ake a karaoaki bwa katamaroa. Taian ribooti ake a karaoaki e nakon 5-10 bwaena ma aio e bon nakon mwaitin tabeka are e uotia temanna ke te botaki aika mwaiti. N taian ribooti aikai ao a rin naba rongorongon bwaai ake a tia ni karaoaki mwai imwaina ma tabeka ibukin katamaroan te kanganga ake a bane n tabekaki inanon te ribooti.

Biti ea tokara ngkai ana ka 48 n tai, ao Kiribati ana ka 49 n tai ni karina ana ribooti nte UPR ao aia tai aomata ma botaki ni karini aia tabeka bon 27 iai bongin Tuun 2024 ao 26 bongin Tiebitemba 2023.<sup>31</sup>

### **ICERD**

Ibukin aron maiuraoin te botanaomata, iai kibun te boraraoi aei ae numbana 2 are e kantaningaki iai aba ake a kaina te boraraoi aio bwa akea te aomata ae ena riai ni bwainikiranki ke ni kakaokoroaki iroun te aomata, te kurubu ke te botaki ni makuri. Te katoto n aron Te Tautaeka ni Biti e kabwata te tua ae e kona ni karika te kakaokoroaki iai irouia kain Banaba iaon Rabi.

Te Komete ibukin inaomataia aomata a tia ni kunei tabeua kabwakan te tautaeka ni Biti n taai aika nako inanon te waaki n tirobae iaan UPR. Nte ririki 2003, te Komete aio e kunea bwa ana waaki Biti n taai aika nako inanon ana waaki n tautaeka ea tia nang inanonano nakoia bon kain te aba (I-Biti), kain Rotuma, ao kain Inria ake a kaina Biti ao kain Banaba a teimatoa ni maiu ni kainano.<sup>32</sup> Te Komete aio e kunea naba bwa e kainanoaki riki mwaitia taan tei ibukia kain Banaba n ana botaki ke ana aobiti te Tautaeka.<sup>33</sup>

<sup>31</sup> See UN Human Right Council, 4th UPR cycle: contributions and participation of “other stakeholders” in the UPR, accessible at: <https://www.ohchr.org/en/hr-bodies/upr/ngos-nhris>.

<sup>32</sup> United Nations, CERD Concluding Observations, CERD/C/62/CO/3, paragraph 16.

<sup>33</sup> United Nations, CERD Concluding Observations, CERD/C/FJI/CO/17, 2008, p. 4. ; United Nations, CERD Concluding Observations, CERD/C/FJI/CO/18-20, 2012, p. 3.

Nte ririki 2012, te komete e baireia bwa Te Tautaeaka ni Biti e riai ni katanakoa raoi ana ware ibukia ni kabane reeti iaon Biti ao n aki naba maninga ake tiaki kain te aba n aroia kain Banaba.<sup>34</sup>

Ana kabanea n ribooti Te Tautaeaka ni Biti e riai ni katiiaaki n 10 bongin Beberuare 2016. Nte tai aio eaki nang ataki bwa manga ningai are ena karaoa iai ana ribooti Biti. E ngae n anne, kometen CERD e butimwaea ana ribooti botaki aika inaomata nte tai are anga iai ngkana iai bukibuki aika a kan tabeki ao ana riki bwa 'te tia kaongorae te komete'.<sup>35</sup> Rongorongon riki ribooti mai irouia botaki aika inaomata a kona n reke man te intanete [OHCHR website](#).

## ICESCR

Ibukin kamanoan inaomatan te aomata ibukin karikirakeaia ma aia utu. ICESCR e kainanoia aba ake a kaina bwa ana karaoa raoi tibwangaia iaan te boraraoi aio n aron tarakin te mauiraoi ao aia riai ibukin kawakinan aron aia katei. E katabeaki te aba are e kaina te boraraoi aio bwa ena riai raoi ni karaoa tabena n aki taraia bwa antai aika makuri ibukia.

Iai uoua kiibu aika a nang kakawaki iaan te boraraoi aio. Te Kibu ae 11, te riai ibukin ae ena kona n reke am auti ni maeka ae kona mwengaraoi iai ao te Kibu ae 6, inaomatan ni kareke makuri ke ni kona ni makuri. Te riai ni kona ni karekea te auti ni maeka ae mano raoi iaan te boraraoi ni kamaeka, tauraoi te tabo ni kuakua, te maiuraoi man te amarake ao te boraoi ao te kona ni manga maeka riki nte tabo are ko bon tangiria.<sup>36</sup> Inaomatan ni kona ni makuri ao tatauraoina, butimwaeam ao raoiroina.<sup>37</sup>

Aikai anga ake a kona iai n rikoaki iai rongorongo ibukin aron auti ni maeka ao inaomataia kain Banaba ni kareke makuri. E kona naba ni karaoaki te bukibuki ibukin uruan inaomataia kain Banaba ibukin karekean auti ni maeka aika raoiroi ao bwai ni kabane ake a anganaki kain Banaba e bwaka iaan ae e riai ao eaki nang raoiroi bwa bukina bwa aia kainibaire ao aia tua e tibwaki nakoia reeti aika kakaokoro.

Ana kabanea n ribooti te tautaeaka ni Biti e riai n taiboranaki n 16 iai bongin te namakaina Nobembwa 2020, ao eaki nang ataaki bwa manga ningai are ena manga taiboranaki iai ana ribooti are imwina. Kometen CESCRC e nang tauraoi riki ni butimwaei ribooti mai irouia rabwata ke

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<sup>34</sup> United Nations, CERD Concluding Observations, CERD/C/FJI/CO/18-20, 2012, p. 2-3.

<sup>35</sup> Joint Committee of the Irish Human Rights Commission and the Northern Ireland Human Rights Commission, *A User's Guide to the International Convention on the Elimination of Racial Discrimination*, 2003, accessible at: <https://www.ihrec.ie/documents/a-users-guide-to-the-international-convention-on-the-elimination-of-racial-discrimination/>, p. 23-25.

<sup>36</sup> United Nations, "CESCR General Comment No. 4: The Right to Adequate Housing (Article 11 (1) of the Covenant)", accessible at: <https://www.refworld.org/docid/47a7079a1.html>.

<sup>37</sup> United Nations, "CESCR, General Comment No. 18: The Right to Work (Article 6 of the Covenant)", accessible at: <https://www.refworld.org/docid/4415453b4.html>. E/C.12/GC/18.

botaki 6 ke 10 te wiiki imwain are ena waki iai rinanoan aia ribooti. Rongorongona ae e bwanin e kona n reke ma te inatenete [OHCHR website](#).

## ICCPR

Te boraraoi ae ICCPR bon teuana te kawai ae e kona iai ni karaoaki makuri ni kabowi ibukin inaomataia aomata ake a ekakinakoaki, ma e nang kanganga bwa kona kona ni karaoa am tang ni kabomwi ibukin aron te maiui ni kainano iaan te boraraoi aio. Iai te kantaninga bwa iaan te boraraoi aio ni kibuna ae 7 ae e kaeneti ibukin kamanoan aia riai aomata ni kona ni karikirakei, ao e wareki bwa:

“Akea te aomata ae ena riai ni bwainikirinaki ke ni katuaeaki. N aron ae akea te aomata ae ena riai ni bwainikirinaki rabwata ibukin makuri ni kakatai n aron ae ena kabonganaki rabwataia ibukin te kametabwai.”<sup>38</sup>

N taai tabetai ao te moti e kona n aki ira nanon kabwaraan kibu inanon te boraraoi aio ao aio bukina bwa e kainanoaki ia te kamatata ibukin makuri ni iowawa ni kaeti ma ICCPR.<sup>39</sup> N aron naba boraraoi ake tabeua, Biti e nang tio ibuki ni karinan ana ribooti iaon te tai. Te ribooti ma irouia aomata ma botaki ibukin Biti are ena angan te komete ibukia tararuan inaomataia aomata e riai ni kaoti inaomataia aomata ake a ekakinakoaki ibukin karekean te maiuraoi.

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<sup>38</sup> Article 7, "ICCPR", accessible at:

<https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf>.

<sup>39</sup> Immigration and Protection Tribunal New Zealand [2012] NZIPT 800091, accessible at:

[https://www.refworld.org/cases,NZ\\_IPT,4f425a932.html](https://www.refworld.org/cases,NZ_IPT,4f425a932.html), paragraphs 160-161.



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