

BRITISH HIGH COMMISSION  
CAIENNA

14/2

25 July 1975

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Pacific Dependent Territories  
Department  
Foreign and Commonwealth Office  
LONDON SW 1

DANABAN LEGAL ACTIONS: PROFESSOR HAUDE

1. I eventually was able to make contact with Professor Haude this week. Both he and his wife had been ill with flu.

2. I called on Professor Haude and his wife at their home yesterday. I explained the latest developments on the basis of your letter HQ 15/7 of 8 July, showing him a copy of it together with the attached documents. He had already received Ing's letter of 9 July (enclosed with your further letter of 11 July) and had therefore expected me to make contact with him.

3. Professor Haude explained that although he, and his wife, were not anxious to go to Britain, they had now made up their minds that they should do so to provide whatever assistance they could to the Crown in the High Court cases brought by the Danabans. He was concerned, however, that whatever assistance he might provide would not be directly relevant to the specific point mentioned in paragraph 4 of your letter of 8 July, namely the negotiations for the acquisition of further land on Ocean Island which culminated in 1947. He explained that his knowledge of the negotiations was only second-hand and had been gathered from the relevant documents of the time available to him (and no doubt also available in London) and from discussions with the late Mr [redacted] of the BPC who had handled the negotiations with the Danabans on Rabi Island. As far as his recollection served, the negotiations had been conducted by Maynard and the then High Commission for the Western Pacific, based in Suva. He was also concerned that his presence as a witness for the Crown could be used to advantage by the plaintiffs' counsel in cross examination. You will recall from earlier correspondence (my letter of 9 April to Bullock) that the plaintiffs' solicitors secured a subpoena against him to appear as a witness for the prosecution. What the plaintiffs' solicitors and counsel particularly sought was his evidence about the compulsory acquisition of land on Ocean Island in 1931. They had been unable to find other witnesses to testify on this issue and



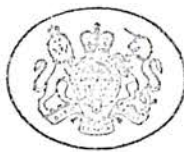
the matter therefore had not been raised so far. The Banabans' counsel, however, was aware of the facts. Maude thought that if, in cross examination, the plaintiffs' counsel were to refer to events in this period, his recollection of events might bring out in court evidence which could be embarrassing to the Crown. He particularly referred to an episode in which some Banaban women, clutching the trees on the land to be acquired, had to be forcibly removed. He also recounted a story of Rotan giving him a bag, which Rotan said was full of gold sovereigns, and beseeching him to go to New Zealand to find a lawyer for the Banabans. When Professor Maude told Sir Arthur Grimble of this request, the latter immediately ruled it out of court.

4. Professor Maude said it was now clear that the possibility of taking a leisurely sea voyage to Britain was a non-starter if he was expected to arrive in London in October. In view of his health and that of his wife, he said, however, that he would be willing to travel to London by air, accompanied by his wife, on the following conditions :-

- (a) 1st class air travel, on the way to London, with stop-offs for two days in, say, Honolulu and Florida.
- (b) 1st class return via South Africa or another similar warm climate.
- (c) Hotel rooms booked in advance at the various stops.
- (d) Advance of subsistence to pay hotel bills on the journey or authority to charge them to the account of the nearest British Mission.
- (e) Payment of medical insurance costs and payment of any medical costs incurred on the journey, if either he or his wife should fall ill, by the nearest British Mission.
- (f) Accommodation in London (either hotel suite or service flat) booked in advance and paid for by HMG.
- (g) Reasonable subsistence in London.

5. Both Professor Maude and his wife were quite naturally, given their age, concerned about leaving their house unoccupied for a period of time. They also wondered about their mail and how it could be forwarded to them; the Australian Post Office does not forward mail overseas. Both these points can be looked after here locally. I am sure we can arrange for their house to be inspected weekly by one of our staff. I take it that we could also secure authority from Communications Branch to have their mail forwarded by bag, if it were re-addressed to the High Commission.





6. Professor Maude and his wife were concerned about when Professor Maude might be expected to appear in court. Their concern here relates to their worry about staying in London during an English winter, which they feel could seriously aggravate their medical conditions. They did not wish to be in London between mid-November and mid-April. Presumably this could cause difficulties, as it now seems unlikely that the second case will start in early October as previously envisaged. Furthermore they did not wish to be absent from Australia for a period longer than six weeks. They envisaged arriving in London two weeks or so before Professor Maude's presence was required to acclimatise themselves and to allow a sufficient period for consultations, etc., with counsel.

7. Professor Maude realised that many of his conditions seemed perhaps importunate but hoped that they would be understood in view of his health and that of his wife. I made clear that I would pass them on; I could make no commitments. I must leave it to you and counsel to decide whether on balance, both in view of Professor Maude's concern about the usefulness of his evidence, and the conditions which he would like to be met, it is still in HMG's interest to ask Professor Maude to come to London.

8. Professor Maude said he would write a short note to Ing to say that I was passing on the substance of our conversation. I therefore enclose an extra copy of this letter which you will wish to pass to Ing.

G W Hewitt

ENCL.