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Australian South Sea Islanders: Indenture or Something Akin to Slavery?

Emelda Davis president ASSI.PJ

Australian South Sea Islanders Association (Port Jackson) ("ASSI.PJ") e: assi.pj@gmail.com

61.2.95188981 web: www.assipj.com.au PO Box 117 Pyrmont Sydney Australia, NSW 2009

Australian South Sea Islanders are the descendants of 122 Islanders illegally taken to New South Wales in 1847 and around 50,000 Pacific Islanders on 62,475 indentured labour contracts to Queensland between 1863 and 1904. Today they range from second to fifth generation and live nationally but mainly along the Australian east coast between north Queensland and northern New South Wales, coastal and regional, with a significant community also in Sydney where I live. Given the number of re-enlistments in Queensland, the total number of individuals is likely to be around 50,000. Most were adolescent and young adult males; only about 5% were women. Family oral tradition is that my grandfather was kidnapped at the age of 12 years from Tanna Island in Vanuatu. We have been unable to locate more exact records, and the statistics on the numbers of children unaccompanied by an adult are not clear. Throughout the Pacific 'labour trade' there were allegations of kidnapping and slavery, which have some foundation and is evident in oral family histories such as my grandfathers story. The culture of today's Australian South Sea Islander (ASSI) community is shaped by their treatment during the indentured labour period and harsh years early in the 20th century when a residual community remained after a forced government-sponsored mass deportation of the majority in the 1900s partly paid for by the deceased estate wages of some 15,000 Melanesian's during that 40 year period. My grandfather escaped deportation by walking the coast line from Queensland to Sydney, NSW and hid from being deported working for a white women washing dishes until he could earn enough money to return. (This story can be seen in the 1995 Australian documentary 'Sugar Slaves' told by his surviving daughter who is today 95 years - Phyllis Corowa / my mother's older sister). ASSIs sense of a united history begins in 1863 with the first Queensland labour recruits. ASSI refer to themselves as the descendants of slaves and it is

clear that the community harbours a deep sense of injustice. This cannot be answered merely by denying that they were slaves. The community are seeking answers.

Slavery?

The standard definition of slavery for the last 88 years has been Article 1(1) of the 1926 Slavery Convention which reads:

Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.

I would argue that the 1926 Slavery Convention definition - where a person legally owns another- is a *de jure* application of the laws, but the term 'slavery' can also be applied in a *de facto* sense, where a person exercises the powers attached to the rights of ownership instead of exercising the right of ownership over a person. As Jean Allain and Kevin Bales, eminent scholars of slavery, suggest in their 2012 (page 3) "Slavery and Its Definition" article, "... a person could be in a condition of slavery without legal ownership, if it could be shown that they were treated like a slave in fact, if not in law." This was the situation with the original immigrant South Sea Islander generation, the indentured labourers.

- At the same time as Islander indentured labourers were imported Australian governments treated the Indigenous inhabitants as little better than slaves, working them without wages and treating them cruelly.

* We know that a substantial proportion of the original Islanders were 'kidnapped', by any definition of the word. Historians suggest that around 5 per cent were illegally recruited, with a higher figure -10 to 15 per cent of indenture contracts -in varying degrees illegal under the terms of the Acts of Parliament (Moore 1985, p. 45; Saunders 1974, p. 85). Islanders suggest a higher proportion, based on oral testimony from the community.

* Regardless of definitions of illegality, all of the Islanders were 'culturally kidnapped', meaning that Europeans took cultural advantage of their small-scale societies and enticed Islanders to come to Australia under circumstances they did not understand (Moore 1985, pp. 47-48).

In the Islanders' eyes Indentured labour contracts were the legal framework for criminal activity that imposed evident denial of the most basic human rights on people of colour.

* Once indentured in Queensland, they were servile bonded labour, paid poorly (by comparison with European labourers), and often transported by foot with overseers on horseback and held in circumstances that have often been described as slave-like. The conditions on the ships which transported them were primitive and

like slaving ships. There are many substantiated examples of cruelty and mistreatment during their contracts in Australia.

- * The indenture agreements did not allow labour strikes and although they were able to challenge employers in the courts, and sometimes did, by-in-large they did not understand the legal system and were unable to use this avenue of redress. Should a plantation owner go broke transfers of contracts occurred, which included a transfer of the human labourers in ownership like slavery.

- * They faced a mortality rate of around thirty percent, higher than any other Australian immigrant group and comparable only with the Indigenous population.

- * In 1901 the government of the Commonwealth of Australia passed an Act of Parliament aimed at the total deportation of all Islanders on mass with no consideration of life circumstances after a forty-year period. They were basically ordered out of the country and in some cases displaced in the Pacific.

- * During the first half of the twentieth century other pieces of legislation at Commonwealth and State level precluded them from participation in the sugar industry, their only primary area of occupation.

- * In a *de facto* sense the Islanders were enslaved and the indenture process which brought them from their islands should be recognised as slavery. It overlapped with slavery and contemporary observers often regarded it as slavery. Like many situations where slavery legally ended world-wide, the Islanders kept living next to their employers during the next century and similar employment and social conditions remained, despite the end of indenture/slavery, which has had a long-term negative effect on their social advancement in Australian society.

Legally, slavery was abolished in the British Empire between the 1800s and the 1840s, but continued to exist in the West Indies, South Africa and Mauritius until 1835 and in fifteen southern states of the United States of America until the Civil War of 1861–1865. However, slavery continued to be legal in other European jurisdictions well into the 1890s. It was a legal status that lasted for life and was inherited by slaves' children. Slaves were the property of their owners, and could be sold, bequeathed, gifted, mortgaged or hired out like any other uses. Slaves prior to the 1840's could not enter into any contract, own property or give evidence in court. In contrast, indenture contracts were legally enforceable and legally void if the law was satisfied that they were not voluntarily entered into. Indenture is not the same as slavery, but Hugh Tinker also called Indian indenture a 'new system of slavery', used to keep non-European labourers in servitude. The ASSI perspective is call it what you will, a severe denial of human rights, exploitation, unthinkable atrocities occurred and over 15,000 lost their lives and lie in unmarked graves today across our nation unmourned. The racism, exploitation and contempt from which ASSI suffered was experienced in the same way that Australians treated Aborigines and Torres Strait Islanders, which also is stated as slavery. They were being herded like cattle with an overseer and dumped on the same missions with Aboriginal communities. The extreme methods by which

Pacific Islanders were brought to Australia, their treatment in Australia, the high mortality, the 1900s attempt at total deportation and neglect during much of the twentieth century has now been recognised by the Commonwealth (1994), Queensland State Government (2001) and New South Wales State Government (2013) and most recently in Federal Parliament on 1st September 2014 a motion of regret and a debate that included the acknowledgement of a slave trade (see attached speeches). Australians cannot deny the belief in slavery by this entire ethnic group and retreat to legal definitions: it is the lived experience of the ASSI community and needs to be formally addressed.

Blackbirding and Kidnapping?

ASSI and other Australians often use 'Blackbirding' to describe the entire indentured labour process: the word as connotations of total illegality. However, historians and some ASSI and their families in Vanuatu and Solomon Islands differentiate between labourers who were forced to recruit, those who chose to enlist, and those who enlisted for different colonies: Queensland, Fiji, Samoa and New Caledonia. The labour trade was a 'moving frontier' through the islands. Everyone agrees that that in the first ten or so years in any area illegality predominated, but historians say that the labour trade developed into a circular migration and that overall probably only 10 to 15% would have been kidnapped as legally defined, and that occasional kidnapping occurred up until the 1890s.

Cultural Kidnapping?

The degree to which Islanders chose to enlist does not undermine the reality of European exploitation. Dividing the labour trade into kidnapping and voluntary enlistment is too simple. Every one of the indentured Islanders was culturally kidnapped. Europeans were taking cultural advantage of Pacific Islanders in taking them from their small-scale societies, paying them with cheap goods, and binding them with legal contracts they did not understand. Even the most willing were disoriented by the experience.

Nineteenth Century

ASSI worked mainly on sugar plantations and farms, although some who arrived in the 1860s and 1870s were employed in pastoral and maritime industries. Islanders were always paid significantly less than European workers, usually less than a quarter of European wages, although some long-staying Islanders earned about half as much as equivalent skilled European workers. Onwards from 1860s the standard rate of pay was £6 per year for first-indentured labourers (paid every six months after 1880). The unfairness of this rate of payment, fixed for forty years in the face of wage inflation in the general workforce, has seldom been noted by historians. Four categories of Islander immigrants emerged: first-indenture labourers who had never left their islands before; those who re-enlisted in the islands; time-expired labourers; and ticket-holders. Re-enlistments occurred onwards from the late 1860s, and by the early 1890s more than one-quarter of the newly-arriving labourers were re-enlisting: for example, in 1897, 230 of the 934 new recruits (24.6 per cent) had previously served terms of indenture in Queensland, Fiji, New Caledonia or

Samoa. Time-expired labourers were those who had completed one or more three-year agreement but opted to stay in Queensland and entered new agreements. The time-expired segment of the Islander work force grew increasingly important over the four decades of immigration. By 1895, time-expired Islanders made up 65 per cent of the Islanders. The ticket-holder category was created in *The Pacific Islander Labourers Act 1880 Amendment Act 1884* (47 Vic No. 12): Islanders who had resided in Queensland for five years before September 1884 had no restriction on the types of work they undertook. In 1884 there were 835 ticket-holders, in 1892 there were 716, 704 in 1901 and 691 in 1906. Expressed as a proportion of the overall Islander population in Queensland from 1885 to 1906, in any one year ticket-holders constituted between seven and eleven per cent of the Islander population. Labourers re-recruited in the islands received around £10 to £12 a year between the mid-1880s and the 1900s, and re-enlisting labourers in Queensland earned £16 to £23 a year. Female workers always received a lower wage, except for those on first indentures. Ticket-holders were outside the indenture system and could earn independently, some running small businesses and farms.

Government records show that around 15,000 of my people died in Queensland between 1868 and 1906: 6,579 died before 1885 and 8,771 onwards from 1885. This is a reprehensible 24 per cent of the total number of contracts and an even higher proportion of the individuals involved (around 30 per cent). The Queensland government's Pacific Islanders' Fund which operated between 1885 and the 1900s is unknown today. It was established in the Treasury in relation to the *Pacific Island Labourers Act 1880* through an 1885 Amendment Act to safeguard return fares and to ensure that the wages of deceased Islanders were returned to their families. However, over time, because of the high death rates, the wages of deceased Islanders became so substantial that they were able to be used to supplement the administration of the whole labour trade.

The 1880 Act introduced control over the wages of deceased Islanders; their wages were to be paid directly to the government which was supposed to arrange for the money to be returned to the families back in the islands by Government Agents on recruiting ships in the form of goods. Two conclusions can be drawn: the Islanders suffered from high mortality rates (by far the highest for any immigrant group in Australia) and the Queensland government keep a large part of their wages (ninety per cent).

Only 15.6 per cent of the wages of deceased Islanders were deducted from the Pacific Islanders' Fund to purchase goods for relatives, a profit to the government in excess of £35,000. The money was used to subsidise the administration of the Queensland labour trade. The government also held return passage money for the Islanders. The passage money for deceased Islanders was not returned to employers and became profit for the Queensland government, around £85,000, which was also used to subsidise the administration of the Queensland labour trade. In the 1900s the Fund was passed to the Commonwealth government for use to fund the deportation of the Islanders.

The present-day value of the wages retained, taking into account inflation and compound interest, is difficult to calculate as it is a rolling amount between 1885 and 1906. As a rough guide, every one thousand pounds in the 1900s is now worth one million dollars. If we use the last known balance of the deceased Islanders' account (£39,363) as our base figure, the 2012 equivalent is \$38,221,511. If we use the £35,000 profit made on the wages, the amount in today's values is also in excess of thirty million dollars.

There is evidence that the Queensland government seldom if ever fully compensated the families of the deceased Islanders and profited largely from their deaths. At best the process was immoral and lacking fiduciary duty. In today's money, millions of dollars were misappropriated, in similar fashion to wages misappropriated by the same government from Aborigines. In August 2013 while Queensland is marking the 150th anniversary of the arrival of the first Pacific Islander labourers, it is timely to raise the issue of the Pacific Islanders' Fund.

Direct compensation to the families of descendants of the Islanders whose wages were misappropriated may now be almost impossible, but acknowledgement that this travesty occurred is a necessary part of healing for the Australian South Sea Islander community. The most sensible outcome would be for the Queensland and Australian Governments to establish a new trust fund to assist in education for the Australian South Sea Islander community, as well as for education in Vanuatu and Solomon Islands, and to assist the Australian descendants to re-link with their families back in the islands.

The Pacific Island Labourers Act, 1901 and Deportation

In 1901 the new Commonwealth Government passed the *Pacific Island Labourers Act*, part of a package of legislation to achieve a White Australia. The aim was to remove Pacific Islanders from Australia through gradual attrition (those on new three-year contracts entered into up until the end of 1903) and forced deportation. Only 839 'ticket-holders (pre-1879 arrivals) were exempt. This racist legislation was in line with the sentiments of the majority of the parliamentarians and the Australian people. To compensate the sugar industry the Australian Government introduced an embargo on all 'foreign' sugar and a bonus for sugar produced using only white labour. This transition was well in place by 1906 and by 1911 94% of the labour in sugar industry was provided by Europeans.

The Islanders mounted complex legal and humanitarian arguments: that they were legal immigrants; that the Act was against the principles of racial equality within the British Empire; that their families would be financially and socially disadvantaged by deportation; that many were alienated from their original island societies by long residence in Australia or because they would be in danger if they returned home. The Pacific Islanders Association was formed in Mackay in 1901 by Tui Tonga, a Fijian of chiefly status, but he died soon afterwards. Control was then taken by Henry Diamuir Tonga, from Tongoa Island in the New Hebrides. With assistance from missionaries, between 1902 and 1906 the Islanders

petitioned the King, the Governor of Queensland, the Governor-General, Federal politicians, and gave evidence to the 1906 Royal Commission into the sugar industry. They also mounted a challenge to the High Court that Section 8 of the 1901 Act was unlawful, exceeding the powers of the Australian Constitution and exceeding the powers of the Australian Parliament. In 1906 Tonga and another Islander voyaged to Melbourne to interview the Prime Minister.

Under 1906 changes Islanders were exempt from deportation if had lived continuously in Australia since 31 December 1886, were aged or infirm, had children educated as State schools, owned freehold land, were (before 31 October 1906) married to a person not from their own island, or could prove that they would be in danger if they returned home. The majority of present-day Australian South Sea Islanders are descended from this group. Forced deportation began in late 1906 and continued until mid-1908. Families were ripped apart and property was forfeited. On return to the islands many faced severe problems readjusting to their old lives and some were killed. The official number allowed to remain was 1,654, but later estimates suggest that around 2,500 remained. The result was a cruel, racially-based mass deportation unique in Australian history and a matter of shame for the Australian government and people.

Twentieth Century

After the 1901-1908 Deportation years around 2,000 to 2,500 South Sea Islanders remained in Australia, living mainly along the coast of Queensland and Northern New South Wales. With no regeneration from immigration, the Australian Government expected them to disappear as the original generation died and their children were absorbed into the Indigenous population. Because of their high reproductive capacity the ASSI started to increase by the 1940s, and in-marriage began to create multiple blood links between the families until today all ASSI are related by blood or marriage in some way and they have become one community although not in one location.

Theoretically free to choose their occupations, actually federal and state legislation designed to make a 'White' sugar industry forced them to leave the industry. Trade unions, particularly the AWU, stopped the Islander employment in the industry, even for the children of the original immigrants. The original generation were relegated to menial farm work or subsistence. They lived on the fringes of White society and continued to suffer racial discrimination. Their nineteenth century Christian Churches deserted them and they were drawn into the Assemblies of God and the Seventh-day Adventists. Children attended primary school for only a few years. The Islanders main involvement in the wider community was through sport.

Between the mid-1960s and the 1980s ASSI were allowed to access special programs for Indigenous Australians in education (Abstudy), housing, health and legal services. They were

told to forget their heritage and accept Indigenous benefits: some did, particularly if they had part-Aboriginal ancestry but others refused to compromise their heritage.

As they began to be excluded from special Indigenous funding and as a flow on from Indigenous political activism, from the mid-1970s ASSI began to form local and national political pressure groups. These resulted in a series of government and institutional (i.e. Evatt Foundation) investigations in 1975-1977, 1991 and 1992, which led in 1994 to Australian Government recognition as a distinct disadvantaged ethnic group. These surveys showed ASSI to suffer significant economic and social disadvantage as a similar level to Indigenous Australians.

After a sixty-year gap, in the 1960s and 1970s ASSI began to re-link with their families in Vanuatu and Solomon Islands. Today there are inter-marriages, a flow of cultural groups and acknowledgement of land rights in the islands which have restored confidence and identity as a unique Pacific community. ASSI have preserved a Pacific value system with emphasis on qualities such as pragmatism, self-reliance, industriousness, reciprocal generosity and hospitality.

ASSI now number at least 20,000 and if Torres Strait Islanders and Aborigines with South Sea Islander heritage are included, number in excess of 40,000.

Conclusion

Most of the ASSI community is descended from Vanuatu and Solomon Islands

Ni-Vanuatu and Solomon Islander Indentured Labourers:

Ni-Vanuatu

New South Wales and Queensland (1847-1904) (40,000)

Fiji (1865-1907) (14,198)

Samoa (1878-1913) (c.10,000 New Hebrideans and Solomon Islanders, not differentiated)

New Caledonia (1867-1922) (10,000-13,000)

New Hebrides (1908-1941) (54,110)

Solomon Islanders

Queensland (1871-1904) (18,217)

Fiji (1870-1911) (8,228)

Samoa (1878-1913) (c. 10,000 Solomon Islanders and New Hebrideans, not differentiated)

New Caledonia (?) (up to 1,000)

Reunion (Indian Ocean, 1857) (14)

Solomon Islands (1913-1940) (37,871)

My people seldom think of themselves as part of much larger migrations of labour world-wide, millions of slaves, and millions of indentured labourers bound by indenture agreements under *Masters and Servants Acts* that favoured the masters and not the servants. Indenture was used during the 17th and 18th centuries as a labour system to bind millions of European immigrants in the Americas, but it soon became mainly used to bind 'people of colour' as Shireen Malamoo (Aboriginal / Kanak), one of our respected Elders and leaders, often says. In the Pacific, conservatively, almost one million Pacific Islanders and half a million Asians entered into indenture contracts between the 1840s and the 1940s. This Pacific indentured labour trade overlapped with slavery in the United States and when Polynesians and Micronesians were taken to work as slaves in Peru, 1862-1864. The early years of the Queensland and Fiji indentured labour trade involved very dubious practices including kidnapping and violence, and allegations that indenture was just a new form of slavery continued until the 1900s. *Masters and Servants Acts* continued to be used to bind some Australian workers until the 1910s.

Understanding our history in relation to the movement of this large number of indentured labourers / slaves across the Pacific, and being aware that other much smaller residual communities of Melanesians from Solomon Islands and Vanuatu that exist today in Fiji (called the *Solomoni*), in Samoa (*O Tama Uli* or 'black boys') and in New Caledonia where they are now blended into the *Kanak* population is a challenge for the ASSI community and their supporters in creating a much needed dialog and healing through a shared history. Our knowing is that Australian South Sea Islanders have been written into history as having indentured ancestry from Vanuatu, Solomon Islands, eastern Papua New Guinea, New Caledonia (only from the Loyalty Islands), Fiji (only Rotuma) and Kiribati and Tuvalu. [I don't know why this is a problem; it is clear to me.] Other Rotumans came to work as labourers in Torres Strait, and other Pacific Islanders arrived as ship's crews to Sydney and Brisbane and have linked into the original indentured ASSIs.

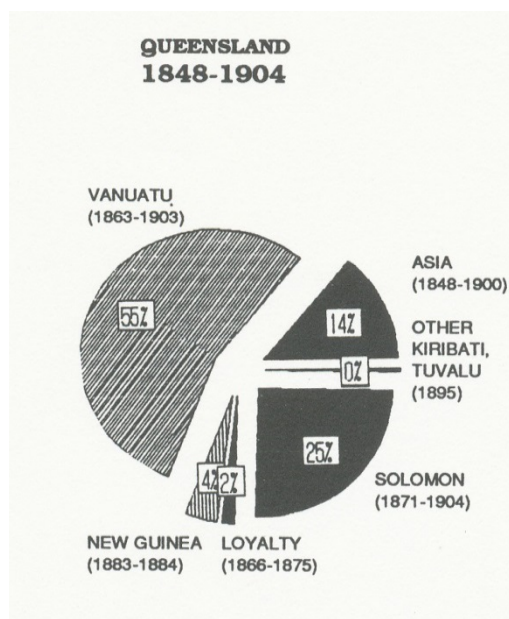
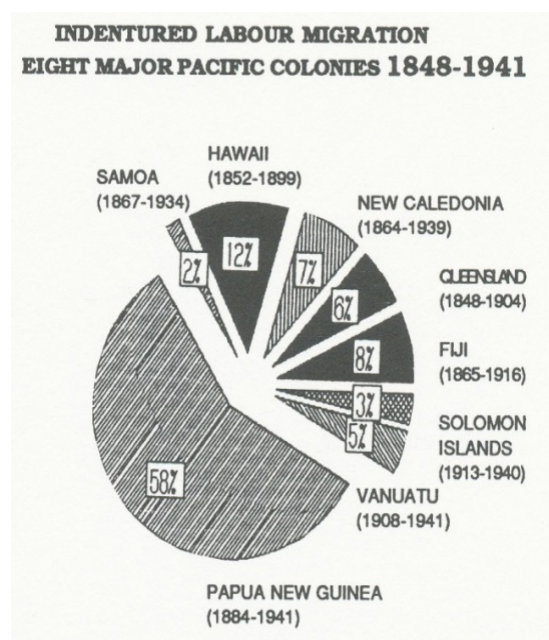
These connections need to be recorded and the links fostered. Today, around 300,000 Pacific Islanders live in Australia, the majority more recent migrants from Fiji, Samoa, Tonga, Cook Islands and Niue, as well as a large Maori community from New Zealand who have Polynesian origins. In addition there are an estimate 40,000 ASSI descendants and collectively we own a shared history of Blackbirding in the Pacific that has yet to be discussed in a formal capacity. Significant numbers of Indo-Fijians, the descendants of Indian indentured labourers taken to Fiji also live in Australia. There are cultural and political advantages for ASSI to see themselves as Australian immigrants with a mixed Pacific, European, Asian, Aboriginal and Torres Strait heritage. But there is also a worldwide movement for those descended from enslaved people to unite in seeking compensation and reparations. Heads of fifteen Caribbean nations have opened an international dialogue demanding slavery reparations from European nations. The same situation applies to Pacific slavery and indenture; unity of purpose and discourse is needed to achieve reparations from Pacific and ex-colonial governments like Britain and France. There is sense in ASSI making

links with the Caribbean nations and other Pacific indentured peoples. All ASSI should be aware that they share a heritage with other descendants of indentured labourers and of slaves, indigenous and Asian, throughout the Pacific and the world.

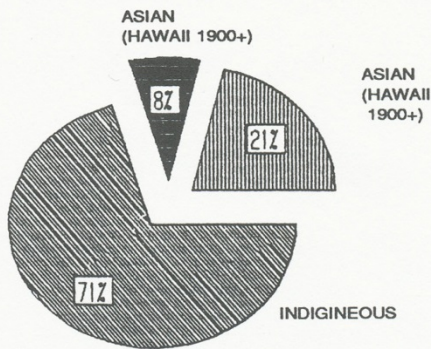
Aboriginal/ASSI descent community activist and respected leaders say “Australia needs to grow up and tell the truth. It was a slave trade” Shireen Malamoo (Aboriginal / Kanak). “Prof. Gracelyn Smallwood says “There’s no affirmative action plan for blackfellas in this country, the funding received today for three workshops is a drop in the ocean...for this country was built on slavery...Aboriginal, Torres Strait and South Sea Islander slavery”.

1st September 2014 saw bipartisan support in the Federal Parliament – Canberra where all ministers (QLD,NSW,VIC) spoke to a motion of ‘regret’ acknowledging the valuable contribution of the South Sea Islanders in establishing the nation as well as the atrocities experienced during the trade. Their descendants continued contribution and importantly for the community there was unanimous recognition of a slave trade in Australia.

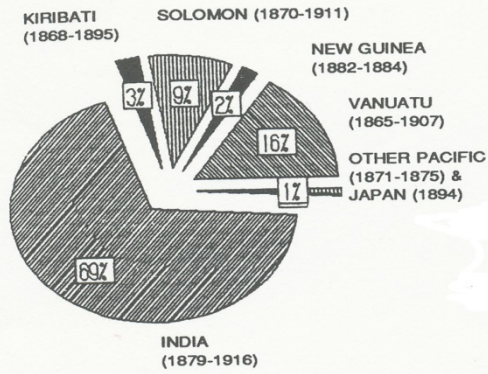
(see APENDIX A & B)



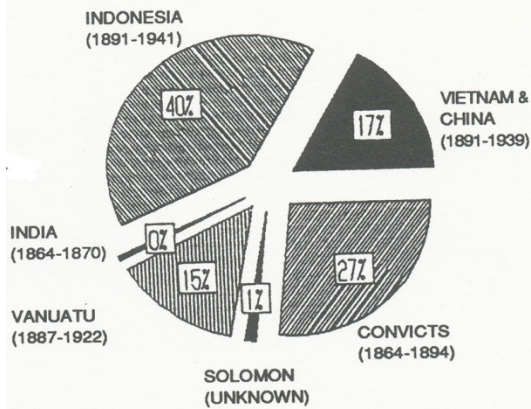
ASIAN LABOUR MIGRATION AS A PROPORTION OF TOTAL PACIFIC LABOUR MIGRATION 1848-1941



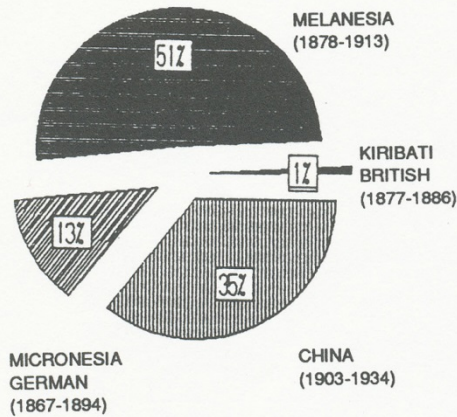
FIJI 1865-1916



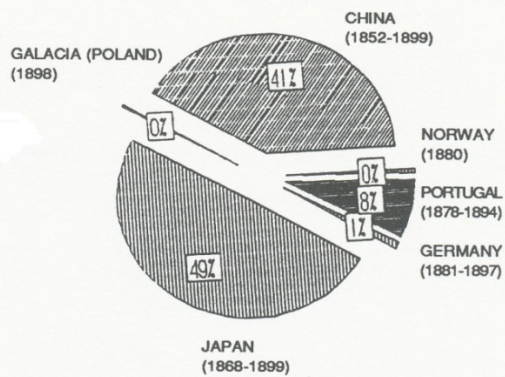
NEW CALEDONIA 1864-1941



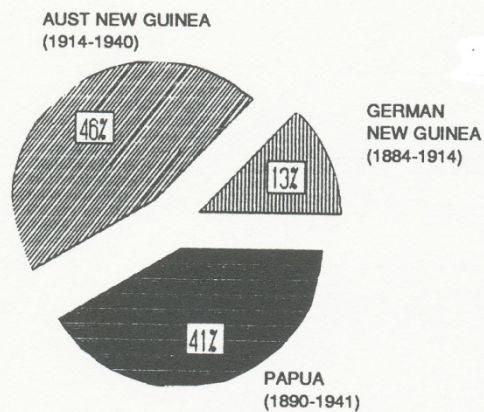
SAMOA 1867 - 1934



HAWAII 1852-1899



PAPUA NEW GUINEA 1884-1941



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(APENDIX A)

Federal Parliament speeches 2014

(APENDIX B)

Emelda Davis South Sea Islander family history