

Chapter 11: The End in Harness

We can build a grand edifice fit for free men and women to live with dignity, peace and prosperity.

A.D. Patel, 1969

Do not be afraid to face the difficulties ahead of us. When God gave us life, he expected from each one of us to face them, and not run away from them.

A.D. Patel, 1969

In his 1969 New Year's radio address, Patel spoke of the promises, challenges and opportunities that lay ahead. Fiji was likely to 'see most important political changes in the near future.' The challenge for the leaders and the people was 'to translate the fundamental human rights into a reality for all the people of this country regardless of race, religion, sex or origin,' to 'build a grand edifice fit for free men and women to live with dignity, peace and prosperity.' Another major challenge was to negotiate a contract with the CSR, a contract which, unlike the Eve contract, ensured a fair and just return to the farmers. Resolving these difficulties would not be easy. 'We have to strive to realise our aspirations. We cannot improve our standard of living unless we share what we produce equitably. Even with the most equitable distribution, unless we produce more, we cannot have much to share. Our prosperity largely depends upon purposeful and tireless endeavour on the part of all. It is intelligent work accompanied by thrift which makes individuals as well as nations prosperous. Let us not forget that our destiny is largely in our hands.'

Patel was at the centre of both these debates, indeed the driving force behind them. We have already seen his role in forcing the pace of political change in the colony, culminating in the negotiations which would eventually lead Fiji to full independence. People have speculated about what Patel might or might not have done, and whether the independence constitutional settlement might have been different had he been alive and at the helm of National Federation Party leadership. The question is moot but there can be no doubt that Patel would not have compromised on common roll, an idea to which he was intellectually and politically committed throughout his life. He would have insisted on its introduction, even in a limited form. But that was not to be. After his death, the party he had established and led fractured, factionalism developed, personalities clashed and the political ideology upon which the party was founded disappeared into the background as the politics of ethnicity and communalism dominated the public agenda.

When Fiji became independent on 10 October 1970, the occasion was celebrated with appropriate dignity and splendour. Foreign dignitaries from several commonwealth countries witnessed Prince Charles hand over the independence instruments to the new Prime Minister, Ratu Sir Kamisese Mara, knighted the previous year. But these dignitaries and other guests did not hear a single word about Patel and his role in the independence movement. They could be forgiven, for the glossy independence brochure, containing the official program of the festivities, made no mention of the NFP leader, although the names and pictures of others, such as Vishnu Deo and Ratu Sir Lala Sukuna, adorned its pages. Neither of these two great leaders, distinguished for their achievement in other fields, had participated directly in the discussions which led to independence. Indeed, by the 1960s, both had departed the political scene. It was left to Ratu William Toganivalu, one of Patel's more persistently hostile political opponents, to ask at the first sitting of the new parliament why Patel's picture had been omitted from the official program. The omission was not an oversight. A decade later, Alliance government minister Ahmed Ali, in a foreword to a short general history of Fiji by Australian academic Deryck Scarr, noted the contribution of many public figures, among them Vishnu Deo and Siddiq Koya, but Patel was once again missing from the gallery of Fiji's notable public figures. Ali's amnesia is understandable in the light of his subsequent public career.

We now turn, finally, to Patel's last battle. Fittingly enough, it was with the CSR. At long last, the government had agreed to the appointment of an independent arbitrator to settle the terms and conditions of the new contract between the growers and the Company. Lord Denning, Britain's Master of the Rolls, was the independent arbitrator. His name was suggested by Patel, who was now the Federation of Cane Growers chief counsel. The CSR was represented by Ronald Kermode and the Kisan Sangh by Gerard Brennan, a brilliant Australian lawyer intimately familiar with the workings of the Queensland sugar industry. According to Karam Ramrakha, who was one of the Federation team of lawyers, along with R.D. Patel and Siddiq Koya, Patel exuded quiet confidence, telling his colleagues, prophetically as it turned out, that this would be his last fight with the CSR.

The arbitration began on 19 August 1969. Denning was asked not only to determine all issues over the new contract between the growers and the millers, but also to settle 'the terms which will be just and equitable and fair to all parties.' Patel went first, which was unusual. In Brennan's view, the CSR should have opened the proceedings for it was they who were defending the old contract. But for Patel, the dispute was as much a contractual matter between two parties as it was a political issue. The two were historically linked. In his submission, Patel put his by now familiar case against the CSR. Patel rejected the Eve contract which he called a 'killer contract,' that was pushing the growers

deeper and deeper into indebtedness. More bankruptcies had been filed during the life of the Eve contract than ever before. He spoke about the uneven contest between a giant monopoly and largely illiterate and divided growers. He told Denning about the CSR's secretive accounting practices which left the growers completely in the dark about costs of production and related matters. He wanted an opportunity to examine the company's accounts to verify company deductions and to reveal the 'concealed profit' the CSR was alleged to have been making. And Patel asked for a fairer sharing of the cake between the millers and the growers. The current practice of lump sum, flat price method—which Patel described as the most primitive method in the world—would have to go, replaced by a basic price and sliding scale linked to the price of sugar, including the price of the by-products such as molasses.

Denning agreed with Patel on most matters. The Eve formula was complicated, beyond the comprehension of most lawyers, let alone the poor illiterate grower. The CSR's own lawyer, Kermode, agreed on this point. There was no equal partnership between the millers and the growers. 'The millers had all their costs covered while 'the risk of loss is all on the growers. None at all on the millers; or, at any rate, none to speak of.' Denning could 'see no justification for the way in which the Eve formula treated molasses. It was and is a valuable product from the cane. And in any formula the value of it should be brought in as part of the proceeds.' About costs: 'Suffice it to say that the growers were much aggrieved because they were never given any information and were obliged to accept the "certified proceeds" and "certified costs" without question. I think their grievance was genuine and was justified. The costs were certified at a higher figure than they should have.' Denning pointed to many other areas in which the Company had taken unfair, though properly legal, advantage of the Eve contract: in the re-evaluation of its assets ('It is one thing for a Company, in making up its accounts, to make an allowance of 3 per cent for depreciation of its capital assets. It is quite another thing to take that sum in hard cash and take it out of revenue'); in the way its Head Office expenses were deducted ('The amount to come under this head and under other heads was very ill-defined'), and the way the unit costs of production were dealt with ('I cannot help feeling that they might have done more to reduce the "unit costs" if they had some incentive to reduce costs. But under the Eve formula there was no incentive. They got all their costs anyway out of the proceeds').

Denning rejected the Eve formula, recommending a new contract that gave the growers 65 per cent and the millers 35 per cent of the proceeds of sale, each paying their own costs, instead of the 57.75 to 42.50 ratio of the Eve formula. The sale, Denning said, should include not only sugar but also the proceeds of molasses and other by-products, as the farmers had demanded all along. The growers were also given the power to appoint an independent accountant to examine the

books and accounts of the millers, something which the company had always successfully resisted. Finally, the growers were to receive a guaranteed minimum price of \$7.75 per ton of cane, \$5.75 paid within five weeks of delivery and the remaining \$2 within six weeks of the end of the crushing season.

Denning was not Eve, as the following passage from his report so clearly indicates:

During all these years the costs of the millers have been recovered, they have received considerable contribution to their capital improvements and, in addition, they have a good reward. They have not gone short. But the growers have. In settling the terms of the new contract, I have tried to restore the balance. I have tried to give the growers the reasonable remuneration which the Commonwealth Sugar Agreement intended that they should have. I hope this will not deter the millers from continuing their good work for Fiji and for the sugar industry in Fiji. The great public companies of today owe a duty, not only to their shareholders to make a profit, but to the people among whom they live and work, to do their best for them. Every responsible shareholder recognises this. If the sugar industry in Fiji is to prosper, the bitterness of the past must be removed. Growers and millers must work together in a spirit of mutual trust and good will—as befits partners.

Partnership, mutual trust and good will, fair remuneration, the social and economic responsibility of the companies: these words reverberate in Patel's speeches. This is what he had been fighting for since the 1940s. There is no doubt that Patel would have been deeply satisfied with, and felt his stance in the sugar industry vindicated by, the Denning report. Certainly Denning was fulsome in his praise of Patel. A man so severely criticised by Trustram Eve as a dangerous self-serving opportunist was praised by Denning who wrote in his report: 'He was an accomplished advocate who presented admirably to me the case of the Federation.' In his letter to me of 20 January 1990, Denning expressed the full extent of his admiration for Patel. Speaking of Patel's influence on the arbitration proceedings, Denning wrote:

Of all the lawyers who appeared before me, A.D. Patel was outstanding. He even out-shone Mr Brennan [now the Chief Justice of Australia]. He was a master of all the facts and problems of the sugar industry in Fiji. He presented them with skill and understanding. It was his persuasive advocacy that led me to my report which was in favour of the growers and against the millers.

These warm words of appreciation would have been reassuring to a man often reviled by his opponents as a greedy Gujarati exploiting illiterate cane growers

for his own political ends. But Patel did not live long enough for that, nor for the completion of the arbitration proceedings. Patel had been unwell throughout, several times asking Denning permission to remain seated while cross-examining CSR witnesses. He suffered a heart attack on 3 September, two weeks after the arbitration began. It was left to his fellow Federation lawyers Koya, Ramrakha and his younger brother R.D. Patel to sum up the Federation's case.

Patel was admitted to the Lautoka hospital where he remained for the next three weeks. Doctors worked hard to resuscitate his health which suffered from numerous complications, including diabetes, high fever and pneumonia. A very concerned Siddiq Koya was on hand. He and Karam Ramrakha immediately contacted Karam's older physician brother Shiu and briefed him on Patel's medical history. Shiu promised to contact Joe Cassidy, the colony's heart specialist, and Koya wanted Cassidy to come to Lautoka for a second opinion. Koya asked Patel not to get unduly worried about his health. Dr Sorokin had told him that Patel was on the way to full recovery. 'We are all standing by and if there is any further news, we shall let [you] know immediately.'

Messages of sympathy and support from colleagues and friends poured in. Denning himself wrote an informal hand written note to tell Patel that he, 'A.D.' (which was how Denning addressed Patel), had been conducting his case admirably, urging him to take a good rest 'so as to be quite fit again.' Charles Gurd, the colony's Director of Medical Services, wrote as only an old medical friend could write. 'The news is good and you are making a good recovery. I do hope you won't be tempted to take any chances with yourself.' 'Remember that A.D.,' he admonished Patel. Justin Lewis, the Attorney General, wrote to Patel enquiring about his availability for forthcoming meetings of the Working Committee on Landlord and Tenant matters, but having himself once suffered from a collapse from overwork, advised Patel to take as long a rest as he needed. Chief Justice Sir Clifford Hammett, too, wrote to Patel two days after he was stricken. It was a touching note from a concerned friend:

Please do take care and rest and do what the doctors advise. You have given your best for your side in the Arbitration and can safely and confidently leave it to your lieutenants to represent your views in the closing stages of the proceedings. You must rest and get well for your counsel and advice and wisdom and restraint will be in much demand in the coming year and you must be fit to meet the demands that will be made on your physical resources.

Other close friends advised the same. His family was naturally distraught. Some of their anguish and frustration is evident in Pratibha Patel's letter which Patel received on 19 September. Pratibha was then a sixth form student in Sherbourne, Dorset. She advised her father to give up politics. 'You have done

as much as anyone can and no one appreciates it. Why are you killing yourself for them? Take my advice and give it up. You have got your law practice and us five children to look after. That's enough! I wish you would take a long, long holiday somewhere away from Fiji. If only I was at home, I think I would force you to!!' Then she remembered to tell what she had been up to, and the sort of news dad always liked to hear. She had been out with some friends for the school holidays. She was taking A-level History and English and would be restarting with Latin the next term. She was playing badminton this term and expected to play Lacrosse as well. The previous night she had watched the epic *Agony and Ecstasy*. 'It was a marvellous. I have only read half of the book, but it is wonderful. Don't you think so?' And she remembered the weather, a subject of perennial interest to her father. 'Autumn is definitely here. The leaves are turning red and gold, and of course it's misty and getting cold.' This was the kind of letter Patel enjoyed receiving from his children. But in the end, Pratibha's plea was the same: 'Please, please, give up politics for our sake. If I mean anything to you, please give it up.'

After three weeks at the Lautoka hospital, Patel was discharged on 26 September. He returned to his home in Nadi to recuperate. He wrote to his distraught children to promise them that he would take a long break away from his hectic public life. But even while recuperating, Patel had duties to perform. To a large extent, Patel was the victim of his own success. As an accomplished orator knowledgeable on a variety of subjects, Patel was a much sought after public speaker. People would travel miles to listen to his discourses on culture, religion and philosophy. In 1969, he was asked to speak on the centenary of Mahatma Gandhi's birth at the Old Town Hall in Suva. Ratu Sir Kamisese Mara was to be the other speaker at the function. Mahatma Gandhi was Patel's idol, and so the question of declining the invitation did not arise, the advice of the doctors for a complete bed rest notwithstanding. 'I cannot resist to pay my humble tribute to the Great Father who has guided my footsteps and saved me from many pitfalls in life.'

Patel's tribute is a sombre reflection on humanity. In his New Year's address, Patel had spoken about the strife in Vietnam, Nigeria and the Middle East, lamenting the failure of human beings to match their wonderful achievements in science and technology with the wisdom in their relations with each other. He returns to that theme in this passage:

In spite of great strides which a portion of mankind has made in science and technology, in spite of man becoming a visitor of moons and stars, in spite of some countries' possessing the power to wipe out life from the planet, we are living essentially in the age of great pollution. Our atmosphere is polluted by nuclear fall outs and poisonous discharges which engines and machines are emitting ceaselessly day and night on

the land, on the seas and in the skies. Our air is polluted, our waters are polluted and so is our land and what grows on it. The machine has become the master and man its slave. In this world of mental, moral and spiritual pollution, Mahatma Gandhi was a great purifier, who had adopted the path of non-violence, advocated social reform to abolish untouchability and the barriers of caste, and who had placed before the people 'his own example of simple living and high thinking and selfless service.'

Patel talked about the Mahatma's many setbacks and disappointments. Nonetheless, he continued to live 'in the hearts of the oppressed and the downtrodden giving them hope and inspiration and courage to face arrogant oppressive power with their knees unbended and their heads held high.'

A few hours after completing this speech, A.D. Patel had a massive heart attack and died around eleven at night on Wednesday, 1 October. As the news of his death spread through the night, friends and relatives converged on his house in Nadi. The following day nearly all the Indian-owned shops in all the major towns remained closed. On Friday, all primary and secondary schools in the Nadi area were closed. Some schools in other areas also closed and some held prayer meetings before closing. Meanwhile, thousands of people began arriving in Nadi in hired trucks, buses and cars. Unable to find accommodation, people set up open air tents, while others slept in their vehicles near the Wailoaloa crematorium.

Patel's body lay in state at the Nadi Civic Centre from Thursday as people lined to pay their tribute. Prayers were said and speeches made, too, by members of all the faiths, Hindu, Muslim, Sikh, Christians. Throughout the three days the body lay in state, Fijian mourners from a nearby koro kept vigil by beating a Mi regularly at ten minute intervals. One eye witness remembered 'the steady cadence of the Mi' which 'had a powerful psychological effect for, like the peculiar, sombre-looking shrubs growing on chiefly graveyards, it kept reminding [the mourners of] the atmosphere of death,' proclaiming the end of an era.

By mid-day on Sunday, Nadi was packed with a crowd estimated at around twenty thousand, with several thousand more lining the three and a half mile route to the beach-side crematorium at Wailoaloa. Patel had wanted his cortege to be drawn by a pair of bullocks, but that request was now impossible to honour. He would have to make his last journey, draped in the red and green flag of the National Federation Party, on a machine—an open truck piled high with wreath and flowers—about whose polluting effects he had written just before his death. At the crematorium, Fijian pall bearers, dressed in black and white, placed the coffin on a funeral pyre piled high with logs. Bhaskaran Iyer, a Hindu priest, and longtime companion in prayer meetings in Nadi, led the prayers at

the end of which Atul, Patel's eldest son who had arrived back from England just a few hours earlier, performed the final rites and lit the funeral pyre. The crowd heaved and cried at the end of a remarkable journey of a remarkable man. Patel had died as he would have wished, in harness and in the course of duty.

Patel had lived all his public life in the midst of issues which generated great controversy, especially in the sugar industry and in politics. He was not a man to walk away from a fight if he was convinced that he was right or if a matter of great principle was at stake. All his political opponents felt that Patel was unduly stubborn on the issue of common roll. They all agreed that the idea was fine in principle, but common roll could not be introduced in Fiji immediately because, or so they said, it would lead to Indian political domination. But however much they disagreed with Patel's politics, they all agreed with Ratu Mara that Patel 'had personal qualities deserving of the utmost respect,' a man 'who set a standard of dignity and courtesy worthy of the highest parliamentary traditions.' Sir Vijay R. Singh, perhaps Patel's most bitter political opponent, recalled with admiration: 'The whole of Fiji became his constituency for the last nine or ten years. Mr Patel was one of the most eloquent speakers of the country and it was for me a pleasure to hear him expound his views in his own persuasive inimitable style. We admired the eloquence, the clarity, and the occasional emotion as well as the ready wit that he brought to bear during debates. In the last discussion we had with Mr Patel, he said he desired to see the people of this country of different races united into one nation.'

The need for an overarching national consciousness in a racially divided Fiji, lay at the heart of Patel's political philosophy and struggle. He disagreed with those who wished to construct a political order on the foundations of primordial values of ethnicity and race. For Patel, [Nationalism] is a question of the mind, not a question of the colour. There is one sentence of the *Bhagavad Gita* which is very appropriate. The sentence says: 'All creatures are bewildered because knowledge is covered with ignorance. Remove the cover of ignorance, and knowledge shines. It is the same with our nation, covered with the ignorance of racialism and sectarianism. Remove the cover and the nation is there.' But in the history of post-colonial Fiji, it was racialism, or communalism to call it by its gentler name, that formed the foundations of the new political order. The independence constitution was basically an extension of the 1966 constitution which Patel had denounced as iniquitous, unfair and unjust. Indo-Fijians had parity with the Fijians, where each group had twenty two seats, but the General Voters were grossly over-represented, with ten. Communal as well as cross-voting seats were retained, both of which Patel had rejected. And the country went into independence without an election. The National Federation Party had extracted a promise from the Alliance that the electoral arrangement negotiated at independence would be an 'interim solution' to be

examined by an independent commission which would recommend the best method of election for Fiji. A Royal Commission, headed by Professor Harry Street did make recommendations for Fiji to move towards common roll on the basis of single transferrable vote, but the Alliance was in no mood to listen. The independence constitution had worked for the party and put it in power by a good majority. By then, the NFP, too, had begun to have doubts about common roll. In the upshot, the Street report was not even debated on the floor of the House, something which Patel would have never countenanced.

A part of the problem was Siddiq Koya himself, Patel's successor as the Leader of the Opposition and the NFP leader. The ebullient, chest-thumping orator was not quite able to capture the loyalty and trust of his colleagues and followers. His hold on the party machinery was tenuous, the loyalty of party stalwarts conditional. Personal ambitions aside, Koya's own erratic performance contributed to the problem, in particular his fraught relationship with Mara. Factions developed, egos were wounded, leadership challenge appeared, and disenchanted party faithfuls began looking for other alternatives, the Fiji Labour Party, formed in 1985, being one. The NFP was not the same tightly-run ship it had been under Patel. It was not until the late 1980s that the party managed to regain a semblance of its former unity under the leadership of Jai Ram Reddy.

Meanwhile, the ravages of communalism began to take their toll. Virtually every public issue of significance came to be viewed from a communal angle. Race, it was said, was fact of life. Sadly, it began to become a way of life. Politics polarised along racial lines. The Alliance Party had been in power for a generation, and many of its leaders and supporters began to view government as their natural domain, their natural right. The inevitable happened when the government did change in April 1987. A military coup removed the democratically elected National Federation and Fiji Labour Party Coalition. Three years later, the country was decreed a constitution that entrenched racial segregation in the electoral system, removing all opportunities for cross-racial politics and providing every incentive for ethnic chauvinism and extremism. Fiji was racially polarised as never before.

Had one man's lifelong struggle for a just, fair and non-racial Fiji (One Country, One Nation, One People) come to nought in the cul-de-sac of racial compartmentalisation? Were the people he once led destined for a life of permanent political subservience in the land of their birth? Only time will tell. But, perhaps, the people of Fiji may in time come to appreciate the truth that in the affairs of state, there is often another way especially if, as A.D. Patel used to say in his campaign rallies in the 1960s, responsible leaders of the nation thought less about the outcome of the next election than about the future of the next generation.