

5. Towards Independence

The 1968 by-elections changed the political dynamics in Fiji, with London acknowledging that 'the circumstances in Fiji are against us'.¹ For their part, the Fijian leaders realised that they could not expect to drag their feet over constitutional reform and continue to expect sympathetic understanding and support either from London or from younger Fijians who favoured a quicker move to full internal self-government, even independence. In the past, London had feared Fijian insurrection if changes it introduced did not meet their approval; now it was anxious that Patel's successors — 'people of a different calibre' — might resort to strongarm tactics, or even 'have recourse to violence'.² The Special Branch had reported that Apisai Tora, the militant western Fijian leader, had been offered a large sum of money allegedly by Siddiq Koya 'if he would pledge his support for certain courses of action', including 'physical persuasion'.³ After the 1965 conference, Koya had threatened to break away from the Federation Party against Patel's 'passive attitude' and non-violent approach to the outcome of the conference, and was talking about forming a 'Subhas Party' — after the Indian nationalist leader Subhas Chandra Bose, who was committed to overthrowing the British in India by force — and engaging in massive civil disobedience, such as burning cane.⁴ Relations between Patel and Koya, the leader and his lieutenant, were tested.⁵

In December 1968, Jakeway left Fiji, telling London on the eve of his departure to eliminate the communal rolls and replace them with cross-voting. He was supported by his chief secretary, Lloyd, who had reached similar conclusions against a constitution that, in his view, had 'an admittedly undemocratic and unsatisfactory electoral system'.⁶ Jakeway was succeeded by Sir Robert Foster. Before becoming the Governor of Fiji, Foster had been the High Commissioner of the Western Pacific (1964–68). He had come to the Pacific after long service in Africa as district officer and provincial commissioner in Northern Rhodesia and as secretary of native affairs and eventually deputy governor of Nyasaland (1963–64). Fiji began its journey towards independence with Maddocks' African experiences and it was concluding it with Foster's similar background.

Six months before Foster took office, London had been considering the effects of the by-elections and exploring ways of reforming — or rejecting — a constitution it knew was flawed in favour of something more democratic and more broadly acceptable. It was with this goal in mind — to encourage fresh thinking and to contemplate alternatives — that Professor Stanley de Smith, who had advised the CO on constitutional matters in Africa, was sent to Fiji in July 1968. Professor de Smith spent a week in Fiji talking to government officials and political leaders. His extensive report was tough and insightful.⁷ The 1966

constitution had two major defects, he said: it entrenched communalism and over-represented Europeans (1.4 per cent of the population holding 25 per cent of all elected seats). Separate racial representation could work perhaps as a transitional measure, but 'most of the countries in which it has been adopted at one time or another (e.g. India, Ceylon, Cyprus, Kenya) have had a depressing record of intercommunal violence'. Any constitution, to be workable, had to be practicable as well as realistic and attuned to local interests and hopes and aspirations as well as to the principles of equity and justice.

With that in mind, de Smith mooted what he called a 'Radical Approach' and a 'Realistic Approach'. The former proposed an enlarged legislature with two Fijians elected by the Council of Chiefs, but the rest elected in a mixture of some single-member and mostly two-member constituencies on a common roll, without racial reservation of seats. Communalism would be gone as an organising political principle, and parties would be forced to nominate people of different ethnicities. de Smith realised, however, that this proposal would be unacceptable, because it introduced an element of unpredictability in the outcome of elections and removed guaranteed representation on a racial basis. His realistic approach, following the Kenyan example, also comprised an enlarged legislature of 45 seats elected on a common roll and six reserved seats, two for the representatives of the Council of Chiefs and four reserved for 'general' candidates.

This approach, which 'aroused a great deal of interest', was open to criticism. The Federation Party would object, and so might the Fijians, while the question of which minority groups should receive 'special protection' could potentially open a divisive debate. The third — and for de Smith the least attractive approach — involved an extension of cross-voting seats with racial reservation. One point stands out in de Smith's proposals, no doubt reflecting his intimate knowledge of the African experience: the need to move away from communalism to a non-racial electoral system. In this respect, he was closer to Patel than to Ratu Mara and the Europeans. For his part, Jakeway favoured eliminating communal voting altogether and extending cross-voting or any other system which, as his chief secretary, Peter Lloyd, put it, could be 'cloaked with respectability' and was 'defensible internationally'.⁸

Soon after the by-elections, an Indian government minister (Sukhlal Hathi) and three senior officials from the Indian Ministry for External Affairs (Rikhi Jaipal, T. N. Kaul and Manjit Singh) visited Fiji. Hathi and Singh 'offered disinterested assistance' in healing the political and racial divide accentuated by the walkout and the by-elections. During the course of their visit, they met a wide cross-section of leaders, including Ratu Mara, who told London that he 'had recently had considerable cooperation from New Delhi'.⁹ Soon after his Fiji visit, Hathi, who was India's Minister for Labour, Employment and Rehabilitation, wrote to Mara: 'I have returned to India with a feeling of optimism

in regard to the future of Fiji. I have no doubt that with your wise and tolerant approach, the current difficulties in Fiji are bound to be resolved satisfactorily.¹⁰ Kaul and Jaipal advised the Federation Party to cooperate and abandon their boycott of the Legislative Council. Kaul also offered advice on a possible compromise formula for a new electoral system: 15 Fijian and Indo-Fijian seats each, five general seats and five 'other' seats.¹¹ Precisely what 'other' meant — whether they might be filled through election or by the governor through nomination, whether the elections for them would take place from single or multiple-member constituencies — became a matter of considerable debate.

Kaul refused himself to provide further clarification, saying that he had confined himself to principles, including the extension of cross-voting, a reduction in the number of European seats and parity of representation between Fijians and Indo-Fijians. Patel interpreted the Kaul formula to mean that 35 of the seats would be cross-voted, and the remaining five would be elected on a common-roll basis from single-member constituencies, with no racial reservation. The five common-roll seats would provide the opportunity for political parties to compete for votes on non-racial grounds. Patel was in the process of discussing his understanding of the Kaul formula with Ratu Mara when he (Patel) died. India's contribution in counselling moderation at the United Nations was appreciated, along with its emissaries' role in thawing relations between Mara and Patel. As the difficulties dissipated, London discouraged further direct contact for fear of losing control of the evolving negotiations, even to the point of advising Fijian officials against effusing to accept invitations to be guests of the Government of India.

That the Indo-Fijians wanted an early constitutional conference was not surprising. What did surprise Suva and London was that Fijians themselves were now demanding the same thing, though for very different reasons.¹² Their demand was based on a pragmatic assessment of the political realities on the ground. First, Fiji could not forever remain immune from international scrutiny or protected from proportional representation or majority rule, both of which were unacceptable to the Fijians. Full internal self-government would remove Fiji from UN scrutiny, the pressure of which could not be resisted for too long. Therefore 'internal self-government should be sought at the earliest possible date'. Second, the Indo-Fijian population was increasing, and further delay would make it more difficult for Fijians to insist that the political control of Fiji be handed over to them or at least to a 'political structure in which Fijian influence is paramount'. Third, once 'the complete control of internal affairs has been handed back to a body which is acceptable to Fijian opinion, Fijian interests can be protected without external interference'. The impatience of some younger prominent Fijians, such as Ratu David Toganivalu and Rusiate Nayacakalou, with the procrastination of their political leaders and Mara's aloof and dictatorial stance, also played a part. If the Alliance did not take Fiji to independence,

Nayacakalou told Toganivalu, the Federation Party would. The public stand of Fijian leaders was: no independence, at least not yet, no common roll and deep gratitude to the United Kingdom; but privately attitudes were changing or at least were more flexible. Mara's erratic and sometimes contradictory attitude to independence was calculated. He wanted to extract maximum concessions from London for his people, and for his vision of a race-based electoral system for Fiji.

By mid-1969, it was becoming clear in London and in Suva that a conference to decide a new constitution for a fully self-governing — if not completely independent — Fiji would have to be held sooner rather than later, especially in view of agreement on this by both the major parties. Officials began also to turn their minds to solutions for the issues that still divided the two parties. Full common roll and single-member constituencies were considered unrealistic because they were unacceptable to the Fijians. As G. T. P. Marshall, second secretary at what was now the Foreign and Commonwealth Office (FFCO) wrote, the

Fijians cannot afford to take the risk that voting may develop along non-racial lines since there is too much at stake for them to be wrong. These arguments of the Fijians can never be adequately countered because there always comes a point when logic is swept aside and emotion is given free reign.¹³

With the 1969 riots in Malaysia fresh in his mind, Ratu Mara seemed wedded to the 'Bahamas' model, which provided for a large measure of internal self-government, with certain powers — external affairs, internal security, the police force and the public service — retained by the Crown, but with the provision for devolution of these responsibilities to the elected government.¹⁴ The idea of an upper house to address Fijian concerns was also mooted, but the government was uncertain whether this would be acceptable to the Federation Party and whether it would really solve the problem of the two additional Fijian members in the Legislative Council. London knew, moreover, that upper houses were 'rather out of fashion' and generally ineffective. Surveying the overall position, the FCO commented, '[W]e are necessarily still working to a large extent in the dark.'¹⁵ In the end, the Federation Party became a staunch advocate of the idea of an upper house with Fijian veto power, as the negotiations between the two parties gathered momentum.

Ratu Mara visited London in May 1969 and held a series of meetings with officials from the CO.¹⁶ His discussions covered the politics and problems of defining electoral boundaries, the structure of the public service commission and similar matters. The CO also warned Mara that his proposal to perpetuate communal voting would cause problems not only in the United Nations but with members of the British Parliament, who were 'sincere advocates of the one man, one vote

democratic concept [and who] would regard a pattern of communal voting as a retrograde step'. They pleaded with him to consider reducing the number of communal seats and increasing the cross-voting ones. Mara gave no undertaking but promised to discuss the proposal with Patel. Mara's London talks also touched on the implications for Fiji of the UK's entry into the EEC.¹⁷ Dissatisfied with the assurances he was given, Mara mused sullenly about the worth of Fiji's loyalty to the United Kingdom and wondered whether Fiji would be better off to move to full independence rather than remain in a relationship doomed to fail under the pressure of economic self-interest on Britain's part. London promised to give its position in writing.¹⁸ It also agreed to send a minister to Fiji to assess for himself the degree of agreement the two parties had reached on outstanding issues — the electoral system among them — before a new constitutional conference could be held. London had learned its lesson in 1965; it could not risk the prospect of another failed, divisive constitutional conference.

In August 1969, representatives of the Alliance and Federation parties began a series of informal, secret talks about a new constitution for Fiji to identify areas of agreement and disagreement between them.¹⁹ In an atmosphere marked by cordiality, the leaders talked frankly and freely about their concerns and fears. A. D. Patel, who died a month after attending the first meeting, pressed his case for common roll and immediate full independence. After his death, Patel was succeeded by Siddiq Koya, also a lawyer by training, who proved less doctrinally or ideologically committed to common roll, and who was more conciliatory. Mara's relations with Koya were more cordial than they had ever been with Patel, whose guile he feared but for whose intellect and integrity he had the highest respect.²⁰ Having grown up at the dawn of Gandhi's anti-colonial movement, and deeply influenced by its philosophy, Patel was committed to the idea of a non-racial society to the point of stubbornness.²¹ Koya, on the other hand, accepted the reality on the ground and sought to work within its parameters and constraints, whereas his predecessor had sought to change them. In the long term, however, as Fijian history shows, it was Patel's vision for Fiji that was vindicated, not the compromised Mara-Koya one.

Between August 1969 and March 1970, the secret meetings identified many areas of agreement: on the protection of Fijian interests in an upper house, on moving straight to dominion status without going through an interim period of full internal self-government and on citizenship.²² The idea of an upper house and a move straight to independence had originated with the Federation Party.²³ The outstanding issue remained the method of election. By October, Mara was telling the governor — to the latter's considerable astonishment — that the existing (1966) constitution 'was now outlived and we should proceed as soon as possible to full independence'. While talking amicably to Indo-Fijian leaders, however, Mara was not averse to playing the nationalist card with an eye, no

doubt, to extracting as many concessions from the British as possible. It was the United Kingdom that had brought Indians to Fiji, he said on one occasion, and their fate was London's responsibility, not that of the Fijian people. The United Kingdom 'had better see that arrangements reached left Fijians in control or there would be real trouble in the country'.²⁴

Sir Leslie Monson, deputy undersecretary of state at the FCO whose departmental responsibilities included the Pacific and Indian Ocean, visited Fiji on a familiarisation tour in October. Before leaving, he told Lord Shepherd that for moral and 'realistic' reasons, the United Kingdom should strive for a constitutional arrangement that left the Fijians in control. His justifications were almost identical to those of Julian Amery in 1960. The realistic argument was that the dominance of Fijians in the police and armed forces and their ability — if they were so minded — to create an 'intolerable security situation', could not be discounted in any political discussion. The moral argument was the connection with the Deed of Cession. Disadvantaging the Indo-Fijians in such an arrangement was potentially risky, but it was the lesser risk of the two possible courses.²⁵ A draft about Fiji policy was also prepared for the Cabinet's Defence and Overseas Policy Committee.²⁶ Here the options open to the United Kingdom were examined in detail. Independence on the basis of Fijian paramountcy was recommended. '[W]e will not in the end be able to justify, either in conscience, or in political terms, in our own country, a solution that does not ensure that independence will leave Fijians in control.' If Fijians did not get paramountcy, 'the risk is that they will take by force and by unconstitutional means that which they consider to be theirs. This could produce an extremely serious internal security situation, in which we should have difficulty in protecting the Indian community.' Indo-Fijians would have to be content with strong constitutional protection of their basic human rights. In time,

the Indian side will concede that Fiji should go to independence under a constitution which would, at any rate for a time, give the Fijian side a constitutional advantage. This is the best for which we could hope ... and do not think we should give up any opportunity of achieving this because of our anxiety to relieve ourselves early of our defence and internal security responsibilities for the area.

The draft did not go to the committee, it being decided that Monson should visit Fiji first and then report back. The recommendation in favour of independence on the basis of Fijian paramountcy had one significant consequence. Officials believed that the Indian government would in all probability resent this decision. It would see it as consigning Fiji's Indo-Fijians to the status of second-class citizens. It might also think that it had been misled, deliberately, by the United Kingdom. The FCO was confident that the United Kingdom could manage any Indo-Fijian protests but also decided that now was the time to disengage from

any further consultation with India about Fiji's affairs. From New Delhi, the British high commissioner concurred. The Indian connection, which had provided the United Kingdom with valuable diplomatic support at the United Nations and elsewhere and had played a role in facilitating direct talks between the Fijian and Indo-Fijian leaders, had now outlived its usefulness.²⁷

In Fiji, Monson held a series of meetings with representatives of the Alliance and Federation parties and heard a range of essentially entrenched views, with some exceptions.²⁸ Perhaps the great change was the increased willingness of the Federation Party to compromise. The personal chemistry between Ratu Mara and Koya was an important factor in the new equation.²⁹ Mara found Koya easier to work with and, unlike Patel, Koya expressed high regard for Mara and showed a sympathetic understanding of his predicament. Afraid that London might force some variation of common roll on Fiji, Mara, perhaps not entirely seriously, hinted at a unilateral declaration of independence to pre-empt the issue. The Federation Party had not abandoned its common-roll platform, but the urgency was gone. In a secret discussion paper, the party proposed adopting Fijian customs and traditions as national traditions as a mark of respect for things indigenous, an upper house (made up of 13 hereditary seats occupied by the direct descendants of those who had ceded Fiji to the United Kingdom and 15 others of whom five had to be indigenous Fijians) and an elected indigenous Fijian head of state.

Monson's report on his trip covered several themes. The Fijian economy was self-sustaining, with consequential reduction in the political temperature; there was greater rapport between the two main political parties and their leaders; and it was appropriate for the United Kingdom to step aside while political leaders sought mutually acceptable solutions to their problems. Mara's personality was beginning to cause concern, Monson reported. He commented on Mara's 'habit of evading discussions which run contrary to his pre-conceived and ill-tutored ideas', his sense of personal insecurity and a growing impatience with his authoritarian style of leadership among other Fijian leaders, who might in time contemplate 'ditching' him 'for a less complex and more self-confident Fijian'.³⁰ He seemed also to be turning against the United Kingdom because the FCO would not contemplate a defence agreement with Fiji to maintain internal security.³¹

To FCO officials, Mara's behaviour was becoming erratic, in contrast with his earlier amiability. They commented on his moodiness, his deeply held grievances against real and imaginary wrongs and his temper tantrums. His more recent confidence and assertion of independence were, however, the result of his steadily growing stature, and a sense of personal indispensability to continuing dialogue about Fiji's future. His warming relations with Indo-Fijian leaders lessened — though did not completely remove — the need for outside mediation.

With the Federation Party concessions coming unexpectedly and all his main fears allayed, particularly in regard to common roll, Mara needed the United Kingdom less now than in the past. His growing confidence in his own authority — he was opposed to his fellow Alliance ministers meeting Monson — and his warm relations with the opposition was reflected in his call for the penultimate constitutional conference to be held in Fiji itself, not London.

In the early months of 1970, the inter-party talks produced a large measure of consensus among the leaders. On the most contentious issue that had long divided the two parties — the electoral system — Federation agreed that it would present its case in London, but would not wreck the conference over, it by suggesting that between independence and the next elections an independent commission might be appointed to examine the subject and make recommendations for the future. This was postponing the problem, Koya admitted, but he would be the 'last one to destroy his bi-partisan attitude towards the inception of common roll'.³² Other Federation concessions were in the offing, initiated by them, Mara told Sir Robert Foster, rather than demanded by the Alliance.³³ Fiji should proceed to full dominion status soon after the constitutional conference in London, with the office of chief minister and council of ministers replaced by the office of prime minister and cabinet. The questions of electoral boundaries and method of election would be settled after independence.

Fiji would go to independence without holding an election. 'It is fully appreciated by the Opposition that this proposal gives a position of advantage to the Government of the day,' Mara informed Foster. 'They [Federation] accept this and have said they will fully support a Prime Minister during the period when final details are being worked out, particularly with regard to elections.'³⁴ This was precisely the outcome that the Fijian leaders had long wanted and the United Kingdom had fervently hoped for: Fijian leaders, in control, taking Fiji to independence. When a clearly surprised governor probed him about the concessions he had made, Koya explained that he had proposed the idea of an election after independence because he did not want the prevailing cordial atmosphere disrupted, that he wanted a completely successful conference (unlike 1965), that he 'thoroughly trusted' Mara and that he preferred to go to independence with him rather than someone else an election might throw up. As for common roll, Koya said he understood the Alliance leader's position and would be happy if 'Mara would say that although it is not possible to have it now, it is not ruled out for all time and in 5, 10, or 15 years it will probably be possible'. Many in the Federation Party hierarchy — though not its general secretary, Karam Ramrakha — shared that view.

London was satisfied and very pleasantly surprised with the outcome of the intra-party talks and accepted Mara's proposal.³⁵ Issues that had provoked much discussion in the past few years — some form of associated statehood, a

Bahamas-style constitution, a defence arrangement with the United Kingdom, external defence or internal security of an independent Fiji could now be resolved. And to address concerns voiced in the Defence and Overseas Policy Committee about constitutional arrangements that might lead to racial trouble at some future date, steps were taken to ascertain whether the agreement between the two parties was guaranteed. Mara and Koya's invitation for a British minister to visit Fiji was accepted, and Lord Shepherd went out in late January 1970 to obtain 'clear, firm and public statements of their agreement about independence'.³⁶ Shepherd left London with clear instructions not only about the United Kingdom's refusal to engage in any defence or security arrangement with Fiji, but with the understanding that the United Kingdom would not contribute budgetary aid to an independent Fiji, that development aid with the new nation would have to be renegotiated, that there would be no 'dowry' at independence and, finally, that the British and Fijian governments would share equally in the compensation scheme for permanent and pensionable expatriate officers working for the Government of Fiji.³⁷

Shepherd met with a wide cross-section of the community, and especially members of the Council of Chiefs, who reiterated to him familiar and perennial fears and concerns.³⁸ As expected, the minister found out that the sticking point between the two parties was the method of election. The Alliance was adamantly opposed to the introduction of any form of common roll. The Federation Party presented its case, but Koya had already informed the governor where he stood on the issue. It proposed to Shepherd that they needed more time to study the various proposals the two parties had produced on the composition of the legislature and the method of election. If they were unable to agree on a mutually acceptable formula at the conference, Fiji should contest the first election after independence on a formula approved and settled by the British government. The Alliance readily agreed — as, not surprisingly, did Shepherd.

Shepherd wanted, however, to ensure, in advance, that the Alliance and the Federation parties understood clearly what that formula would be. If 'no agreement was reached and circumstances remained as at present', Shepherd, told the leaders, new, post-independence elections would take place under the provisions of the existing constitution. This, surprisingly, was the same constitution that the Federation Party had rejected and had staged a walkout against in 1967. The death of A. D. Patel, Shepherd noted, was a major factor in the Federation's changed stance. Patel had been steadfast in his commitment to common roll, and would not have accepted a constitution that did not make at least a token movement towards that goal.³⁹

The final constitutional conference was held in London in April 1970. Before the leaders gathered, the FCO prepared a series of briefs on issues that were

uncontroversial but which still needed to be resolved, such as the status of Rotuman and Banaban people in an independent Fiji, the Commonwealth Sugar Agreement, a general compensation scheme for pensionable expatriate officers employed by the Government of Fiji, defence arrangements and membership of the Commonwealth. The words spoken at the opening session at Marlborough House by both parties alluded to racial harmony, nation-building, a common future, gratitude to the United Kingdom and close links to the Crown, trust, mutual understanding and goodwill.⁴⁰ Nineteen sixty-five seemed a distant, faded memory, along with the political turbulence that had accompanied the enactment of the 1965 constitution and marred race relations in the country. Shepherd queried the over-representation of the general voters in Ratu Mara's proposal for the composition of the House of Representatives. Their over-representation, Mara said was a reflection of their preponderant contribution to the economy. He did not mention that general voters always sided with the Fijians.

On common roll, Mara resumed his old tune: common roll was a ruse for Indian domination of Fiji and Fijians would never accept it. 'These fears are like the devil. Many people can prove that there is no devil, yet they are fearful of devils,' he had said on another occasion.⁴¹ The Federation Party presented its case for common roll, and expected Lord Shepherd to impress on the Alliance the need to make at least some token gesture towards accepting it. The Alliance refused — as it had always said it would — and Shepherd, seeking the middle path, proposed that everyone accept common roll as a long-term objective. The Federation Party, in particular its general secretary, K. C. Ramrakha, protested about being misrepresented. The introduction of common roll was their immediate, not long-term, objective. For them to sign a document to that effect would be a betrayal of their party's founding principle. 'Our basic point is that the entire UK delegation proposals rest on the basic misconception that we profess common-roll as a "long-term" objective,' Ramrakha said. 'Since this distorts the entire thinking of the UK delegation, we will call upon you (a) to correct this impression in the plenary session and (b) to submit fresh proposals taking into account the correct viewpoints of the two parties.'⁴²

Protest was symbolic, however, although Ramrakha was one of the very few in his party who genuinely believed in the common-roll cause.⁴³ London and Suva knew where the party leader stood. To break the impasse, Shepherd mooted the idea of a Royal Commission to look into the method of election after independence. Mara and Koya endorsed the proposal, the latter on the understanding, he later claimed, that the recommendations of the commission would be binding — although, as a lawyer, Koya should have known that no independent commission's report can ever be binding for the simple reason that the parliament is supreme. In 1975, a commission was appointed with Professor

Harry Street as chairman, and recommended moving away from a communal roll to a system of proportional representation using the Single Transferable Vote (STV).⁴⁴ The Alliance, now firmly in control, refused to consider the report, refused even to have it discussed in parliament. The Federation Party cried foul, but one is left with the lingering suspicion that the Federation leaders, with a few exceptions, did not mind Alliance's about-face on its commitment given at Marlborough House. They had bought the argument that, in view of the declining Indo-Fijian numbers, guaranteed *racial* representation was in their long-term interest. They were encouraged to accept this view by India.⁴⁵

The final constitution was in its most fundamental aspects an extension of the principles and interests that underpinned the 1966 constitution. It preserved the status quo: paramountcy for Fijians, privilege for Europeans and parity for Indo-Fijians. The constitution provided for a bicameral legislature. The Upper House — called the Senate — explicitly recognised the principle of paramountcy. Of its 22 seats, eight were occupied by the nominees of the Council of Chiefs, seven by the nominees of the prime minister, six by the nominees of the leader of the opposition and one by the Council of Rotuma. Given that the prime minister and the leader of the opposition included indigenous Fijians among their nominees, Fijians made up more than half the senate at any given time.

More important than numbers, the nominees of the Council of Chiefs were given the power of veto over all legislation affecting Fijian interests. Section 68 of the independence constitution required the consent of the Council of Chiefs' nominees for the passage of any legislation covering the Fijian Affairs Ordinance, the Native Land Trust Ordinance, the Fijian Development Ordinance, the Rotuma Ordinance, the Agricultural Landlord and Tenant Ordinance, the Banaban Land and Settlement Ordinance and the Rotuma Land Ordinance. In short, Fijian interests were given such watertight protection that no one — apart from Fijian chiefs — could alter or amend legislation pertaining to them.

The lower house — called the House of Representatives — comprised 52 seats, with 22 each for Fijians and Indo-Fijians and eight for general electors (Europeans, part-Europeans, Chinese and 'others'). The principle of parity between Fijians and Indo-Fijians was maintained even though Indo-Fijians made up 50 per cent of the population and Fijians 44 per cent. The principle of European privilege was also maintained. Making up only 4 per cent of the population, the general electors were allocated 15.4 per cent of the seats in the House of Representatives. General elector over-representation was a concern for the United Kingdom, which wanted it reduced substantially, but Mara objected and threatened to resign from public life after returning to Fiji if the United Kingdom persisted. Given the historical association of the general electors with the Fijians, and the record of their political alignment, the Fijians could always count on the general electors for support. In this they were not to be disappointed.

Of the 22 seats each reserved for Fijians and Indo-Fijians, 12 were to be contested on a communal roll and 10 on a national roll — the new name for the old cross-voting seats following the Tanganyika Model. The general electors had eight seats — five national and three communal. The national seats gave advantage to the Fijian and general electors — the Federation Party had not won a single cross-voting seat in the 1966 elections. The logic of the electoral arrangements was clear. If a political party was able to keep its ethnic base intact and split the opposition's, its victory was assured. In this, the Alliance was consistently more successful than the Federation Party.

The logic of the electoral system adopted at independence was that the voters of Fiji would continue to vote on racial lines. A racially based electoral system engendered racial voting, inevitably at the expense of the greater national good. Fiji after independence was not a 'nation' of diverse peoples with common hopes and aspirations but a coalition of competing ethnicities with their own communal agendas. Elections came to be seen not as contests between political parties with competing ideologies, but as zero-sum racial contests. An election lost was thus seen as a loss for a 'race'.

Despite the constitutional obstacles, Fiji experienced social and economic changes in the post-independence era that threatened its political edifice, constructed on the pillars of racial separation.⁴⁶ Modern education broadened horizons across the racial divide. Urbanisation and the gradual penetration of the market economy into the hinterland of the country wrought changes in values and expectations. The demands of modern multiracial living in the country's urban centres, the pressures of increasing unemployment and rising costs of living in a fragile economy dependent on global forces were producing new outlooks and habits of thought. Race might have been 'a fact of life', as Ratu Mara said so often, but for many, it was one among many 'facts of life'. The 1970 constitution faced its true test in 1987 when a Fijian party in power for 21 years (from 1966 to 1987) lost the general election to the Fiji Labour Party–National Federation Party Coalition.⁴⁷ In the contest between the rhetoric of communalism and the reality on the ground, the rhetoric won. In the South Pacific's first military coup in modern history, an elected government was overthrown, along with the constitution whose formulation had occupied London and Suva for the better part of the 1960s.

Two days before Fiji became independent on 10 October 1970 — exactly 96 years from the date when it had become a British Crown colony — Sir Robert Foster penned his last dispatch as governor of Fiji (Appendix 2). In it, he tried to capture the mood of the moment, the sometimes tumultuous events that had led to it, embroiled it in conflict and tension, and offered his prognosis on what the future held for the young nation.⁴⁸ 'Seldom can a country have prepared for independence with such aplomb,' he told London. The diverse people of Fiji,

however, 'do not yet seem to think of themselves as a nation', and Julian Amery's fateful word about the difference between the two main communities, written a decade ago, retained some salience. Foster commented on the things that had facilitated the smooth transition to independence: the sobering effects of the 1968 by-elections, the compromising posture of Siddiq Koya and his amicable relations with Mara, a keen appreciation of the realities on the ground — about who controlled the army and the police force, the 'fluffing' of the electoral issue. The future looked reasonably bright: the civil service was professional and apolitical, the security forces efficient and in good morale, and industrial relations were stable. Overall, then, the prospects looked promising.

There were, however, hints of dark clouds over the horizon. The land problem — not ownership but leasing arrangements — remained as intractable as ever. Time had been bought by setting up a committee to examine amendments to the Agricultural Landlord and Tenant Ordinance. 'But a solution to the land problem is no nearer. I doubt whether the problem will ever be solved without far more radical changes in the system of land tenure than Fijians have hitherto been prepared to contemplate.' The second major problem — unresolved at the conference, shelved, to be confronted after independence — was the electoral system.

A calm search for a just solution to the problem of representation has in the past proved virtually impossible: feelings ran far too deep. One is therefore bound to regret that in effect a time bomb will lie buried in the new Constitution, and to pray that it may be defused before exploding. The two parties have however publicly committed themselves to an act of faith which must give reasonable ground for hope.

Reasonable hope: that, alas, was all that could be hoped for as Fiji took its first tentative steps into an independent future.

ENDNOTES

- ¹ J. H. Lambert to J. D. B Shaw, 19 July 1968, FCO32/31, on Fiji and the Committee of Twenty-Four.
- ² 'Future of Fiji', Commonwealth Office note of a meeting with Sir R. Foster, 13 August 1968, FCO32/37, no. 18.
- ³ Fiji Intelligence Report, CO1036/1216, no. E/91.
- ⁴ Fiji Intelligence Report, CO1036/1216, no. E2/88.
- ⁵ For this assessment, I am grateful to Rod Alley.
- ⁶ Note by G. P. Lloyd, 25 October 1968, FCO32/401, no. 1.
- ⁷ Report on a visit to Fiji by Professor Stanley de Smith, August 1968, FCO32/429.
- ⁸ Letter from Sir D. Jakeway to Sir A. Galsworthy (with enclosures), 12 November 1968, FCO32/401, no. 1.
- ⁹ FCO record of a meeting between Ratu Sir K. Mara and Mr Thomson (minister without portfolio), 19 May 1969, FCO32/426.
- ¹⁰ Quoted in *Fiji Annual Report*, 1968, p. 7.
- ¹¹ Electoral arrangements for the Legislative Council of Fiji (enclosure), 19 May 1969, FCO32/426, no. 93.

- ¹² 'Council of Chiefs', letter from G. P. Lloyd to J. C. Morgan, 15 November 1968, FCO32/401, no. 3.
- ¹³ G. T. P. Marshall to E. J. Emery, 1 May 1969, FCO32/401, no. 81.
- ¹⁴ Letter from Sir R. Foster to J. C. Morgan, 9 April 1969, FCO32/402, no. 6.
- ¹⁵ Letter from J. C. Morgan to Sir R. Foster, 2 May 1969, FCO32/402, no. 82.
- ¹⁶ FCO record of a meeting between Sir A. Galsworthy and Ratu Sir K. Mara, 20 May 1969, FCO32/404.
- ¹⁷ Letter from J. C. Morgan to Sir R. Foster on Ratu Mara's talks in London, 6 June 1969, FCO32/404, no. 85.
- ¹⁸ Letter from J. E. Kellick to Ratu Sir K. Mara on the defence of Fijian interests, 11 June 1969, FCO32/426.
- ¹⁹ A full set of the transcripts is in my possession.
- ²⁰ See Mara, Ratu Kamisese 1997, *The Pacific Way: A Memoir*, University of Hawai'i Press, Honolulu, p. 97 (n. 77), where he describes Patel as 'a brilliant lawyer, an eloquent speaker, a charismatic leader of his party, and doughty opponent', but with whom political negotiation had 'proved difficult, and on occasion impossible'.
- ²¹ Rod Alley, who has close knowledge of Fijian politics of the 1960s, says that even if Patel had not died, a settlement was likely, though it would have been different from that achieved with Koya.
- ²² I have in my possession a full record of the confidential talks.
- ²³ Robert Norton (private correspondence) says the idea of an upper house originated in Patel's talks with a prominent Fijian member of the Federation Party, Ratu Julian Toganivalu, who had raised it earlier; but I have not been able to verify this.
- ²⁴ Telegram from Sir R. Foster to J. C. Morgan on talks with Ratu Mara, 3 October 1969, FCO32/404, no. 149.
- ²⁵ Minute by Sir L. Monson to Lord Shepherd on independence and Fijian paramountcy, 10 October 1969, FCO32/404, no. 154.
- ²⁶ 'Fiji Independence', draft memorandum by Mr Stewart for Cabinet Defence and Overseas Policy Committee, 16 October 1969, FCO32/430, no. 154.
- ²⁷ Telegram from Sir M. James (New Delhi) to FCO, repeated to Sir R. Foster, 6 November 1969, FCO32/430, no. 74.
- ²⁸ FCO records of Sir L. Monson's meetings in Suva with political parties, 29 October – 1 November 1969, FCO32/404, no. 175.
- ²⁹ This later helped undermine Koya's stature and influence among his own ranks.
- ³⁰ 'Future of Fiji', FCO records of Sir L. Monson's meetings in Suva with Sir R. Foster and Ratu Sir K. Mara, 29 October – 1 November 1969, FCO32/404, no. 175.
- ³¹ By December, Mara had dropped the idea of a defence agreement with the United Kingdom to provide internal security after independence.
- ³² Transcript of the inter-party talks, p. 304.
- ³³ 'Future of Fiji', letter from Sir R. Foster to E. J. Emery, 23 December 1969, FCO32/405, no. 229.
- ³⁴ Ibid.
- ³⁵ 'Fiji independence', memorandum by Mr Stewart for Cabinet Defence and Overseas Policy Committee, 8 January 1970, FCO32/569, OPD (70), 1.
- ³⁶ 'Future of Fiji', minute by H. Steel to E. J. Emery, 13 January 1970, FCO32/580, no. 5.
- ³⁷ 'Fiji: independence', Cabinet Defence and Overseas Policy Committee minutes, 16 January 1970, FCO32/569, OPD1 (702), 2.
- ³⁸ 'Council of Chiefs', FCO record of a meeting between Lord Shepherd, Ratu Sir K. Mara and the Council of Chiefs, 27 January 1970, FCO32/594, no. 62.
- ³⁹ I say this on the basis of my extensive conversations with Patel's closest associates.
- ⁴⁰ Fiji constitutional conference speeches by Lord Shepherd, Ratu Sir K. Mara and Mr Koya, 20 April 1970, FCO32/572, no. 109.
- ⁴¹ During the inter-party talks in Suva, 94.
- ⁴² Letter from the Federation Party delegation to Lord Shepherd, 28 April 1970, FCO32/582, no. 28.
- ⁴³ I base this on my many conversations with him, and from his words on the public record.
- ⁴⁴ Report of a Royal Commission appointed for the purpose of considering and making recommendations as to the most appropriate method of electing members to, and representing the people of Fiji in, the House of Representatives, *Parliamentary Paper*, no. 24/1975.

⁴⁵ This is based on my conversations with some of the key figures in Fiji at the time.

⁴⁶ For an insightful collection of essays on this subject, see Taylor, Michael (ed.) 1987, *Fiji: Future Imperfect*, Allen and Unwin, Sydney.

⁴⁷ An earlier test was 1977 when the Alliance Party temporarily lost power and Mara threatened immediately after the elections that 'blood will flow' if the Indo-Fijians did not respect the deep Fijian attachment to land. See Norton, Robert 1990 (second edn), *Race and Politics in Fiji*, University of Queensland Press, St Lucia, p. 120.

⁴⁸ 'Fiji', final dispatch before independence from Sir R. Foster to Sir A. Douglas-Home, 8 October 1970, FCO32/606, no. 1. (Reproduced here as Appendix 2.)