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## 2. Paramountcy, Parity, Privilege

An archipelago of some 300 islands lying on the border between the cultural regions of Melanesia and Polynesia, Fiji was settled about 3,000 years ago by a seafaring people travelling eastwards from the Southeast Asian region.<sup>1</sup> The population was made up of a number of rival, semi-autonomous tribal chiefdoms embroiled in incessant struggle for political supremacy. The problem of power struggle was compounded by the arrival of European traders, beachcombers, missionaries and fortune seekers from the beginning of the nineteenth century. They took sides among the rival aspirants, acquired land through dubious means, built up plantations, engaged in trading (in sandalwood, bêche-de-mer, coconut oil, shipping), created port towns and urban centres and variously sought to insert themselves into the political scene, creating mayhem in the process.<sup>2</sup> Unable to tame these new, destabilising forces of change and fearing for their own political fortunes, the leading chiefs of Fiji, headed by Ratu Seru Cakobau — the self-styled *Tui Viti*, the supreme chief of the archipelago — ceded Fiji to the United Kingdom on 10 October 1874.<sup>3</sup> Britain accepted the offer after spurning earlier ones, now keen to exercise control over the activities of its restive nationals on the unsettled island frontier and to heed calls by missionaries and other humanitarians to curb abuses in the Pacific island labour traffic, which was reported to be soaked in innocent blood.<sup>4</sup>

The transfer of sovereignty was cemented through a Deed of Cession. Much has been made of the deed and it certainly featured prominently in the constitutional debates of the 1960s. The Fijian leaders invested it with a particular meaning. The deed, they argued, assured them not only that their rights and privileges would be safeguarded by the Crown, but that they would remain paramount in the management of the colony's affairs. 'Paramountcy of Fijian interests' was a phrase invoked over and over again throughout the 1960s to stake special claims and to influence the direction of constitutional change.<sup>5</sup> Some Fijian leaders even asserted that in its intent and implication, the Deed of Cession was similar to the Treaty of Waitangi under which the Maori ceded sovereignty of New Zealand to the United Kingdom. The comparison is misleading. Unlike New Zealand, which was a settler colony (while Fiji was a Crown colony), the cession of sovereignty was recognised and enforced in law, a fact that had 'never been questioned or even raised as an issue'.<sup>6</sup>

The words of the deed in English — there was no vernacular version,<sup>7</sup> unlike the Treaty of Waitangi — are clear. The chiefs who ceded Fiji to the United Kingdom agreed that the 'possession of and full sovereignty and dominion over the whole of the group of islands in the South Pacific Ocean known as the Fijis' were to be 'annexed to and be a possession of and dependency of the British

Crown', that the Crown would 'prescribe and determine' the laws and legislation governing the colony, that the

absolute proprietorship of all lands not shown to be now alienated so as to have become bona fide property of Europeans or other foreigners or not now in the actual use or occupation of some Chief or tribe or not actually required for the probable future support and maintenance of some chief or tribe shall be and is hereby declared to be vested in Her said Majesty her heirs and successors.

That is, it would become Crown land. Finally, the deed acknowledged that on cession, 'the rights and interests of the said Tui Viti and other high chiefs ceding parties hereto shall be recognised so far as is and shall be consistent with British Sovereignty and Colonial form of government'.<sup>8</sup> That was the extent of the undertaking given in the deed, and it was endorsed by such Indo-Fijian leaders as A. D. Patel and Vishnu Deo in the 1940s.

The phrase 'paramouncy of Fijian interests' entered Fiji's political vocabulary in the early twentieth century, often invoked by European settlers as guardians of the 'Fijian race' to protect the European-dominated colonial order against demands by Indo-Fijians for constitutional change. Political and economic self-interest rather than a genuine desire to protect Fijian interests informed the European reading of the document — for the same people who championed the cause of the Fijians hankered for more Fijian labour and land, some even going to the extent of seeking Fiji's federation with New Zealand because Fiji's laws protected the interests of the indigenous Fijians in a manner in which New Zealand labour laws did not protect Maori interests. The Fijians themselves saw the deed as a 'protective' document that would safeguard their 'rights and interests', particularly the ownership of land and chiefly titles. In that sense, their interests would be paramount. As independence approached, however, and fears were raised about how or if Fijian interests would receive special recognition in the new constitutional order, a protective interpretation was transformed into an 'assertive' one. That is, Fijian interests could be protected — be paramount — only if Fijians were in control of Fiji's political leadership, notwithstanding the legal and institutional protection. The deed, in other words, became a bulwark against change not authorised by or acceptable to the Fijian leaders.

Once Fiji was acquired, the first substantive governor, Sir Arthur Hamilton Gordon (1875–80), decided early that Fijian society, already showing signs of stress from contact with the outside world — the indigenous population had declined from about 200,000 at the time of cession to approximately 87,000 at the turn of the twentieth century, largely because of introduced diseases to which the people had no immunity — should be allowed to live within their own subsistence environment, under the leadership of their traditional chiefs

in a system of indirect rule.<sup>9</sup> To that end, he created a separate system of native administration complete with its own rules and regulations and courts governing indigenous life, a system of native taxation through which people paid tax in kind rather than cash (thus preventing the disruption of the people's subsistence lifestyle), and engineered an inquiry into land alienation that eventually ensured that fully 83 per cent of all land would remain inalienably in Fijian ownership.<sup>10</sup> Fijian fears of dispossession of the kind that took place in other colonies — notably New Zealand — were by this process put to rest. The imposition of a uniform pattern of land ownership over an archipelago of great cultural and social diversity created its own problems,<sup>11</sup> but in the end, the Fijian people retained possession of most of their land. Now that the former Crown lands have been transferred to Fijian ownership, close to 90 per cent of all land is in Fijian hands.<sup>12</sup>

Gordon gave further substance to the idea of indirect rule by formalising, in 1876, a Council of Chiefs — an umbrella organisation of the indigenous community, comprising entirely chiefs until the 1940s — to advise him on all major policy matters relating to their people.<sup>13</sup> Although the strength and intensity of the consultative process fluctuated as times changed and other imperatives intruded, or when governors of a more reforming zeal were at the helm, the voice of the council was heard when and where it mattered. The Council of Chiefs was the only body in Fiji that enjoyed the honour of addressing the Crown directly, and this it did regularly, raising the concerns of the Fijian people or directing attention to matters that needed addressing. In the independence constitution, the Great Council of Chiefs, through its nominees in the Senate, was given the power of veto over all legislation that specifically affected Fijian interests. The 1997 constitution recognises the council as a constitutional body and gives it the power to nominate the president and the vice-president of the republic.

The United Kingdom acquired Fiji reluctantly for strategic purposes. The islands were remote and their economic potential unpromising. Unwilling to incur a heavy expenditure in starting the new colonial project, Britain expected the new colony to become economically self-sustaining in the quickest possible time. This was easier said than done, for the basic prerequisites for rapid economic development were lacking. Local Europeans — themselves insolvent after the collapse of the cotton boom after the end of the American civil war — could not be expected to provide capital sufficient for the large-scale plantation enterprise Gordon had in mind, having observed its success in Mauritius and Trinidad, where he was governor before coming to Fiji. Gordon settled on sugar cane as the crop most appropriate for Fiji, and turned to the Australian Colonial Sugar Refining Company.<sup>14</sup> The CSR arrived in Fiji in 1882 and remained there until 1973, dominating the colony's largely mono-crop economy and exercising great

influence on the way matters were run. The company's determination to maintain an iron grip on the industry caused friction with the growers and occasionally colonial governors and led to three major strikes in the sugar industry in 1921, 1943 and in 1960 — although, not least for its own interests, the company was nevertheless a benevolent landlord. The conflict between the Indo-Fijian cane growers and the CSR would exercise a deep influence on political developments in Fiji in the post-World War II years.

The Indo-Fijian cane growers were descendants of indentured labourers. Gordon decided to introduce Indian indentured labour to Fiji because he had seen its success in Trinidad and Mauritius, where the first Indian migrants had gone in the 1830s. The prohibition on the commercial employment of Fijian labour on European plantations and the uncertainty of labour supply from the neighbouring Pacific islands necessitated the colony's dependence on India. Between 1879 and 1916, more than 60,000 indentured labourers were introduced into Fiji, 45,000 from north India and the remainder from the south after 1903.<sup>15</sup> Small groups of free migrants from Gujarat and the Punjab — later to become economically and politically significant — continued to join them after the formal abolition of indenture in 1920. The indentured migrants arrived on a five-year contract that promised a return passage at their own expense after five years of service or free passage after 10. For a variety of social and economic reasons — including inducement provided by the government to stay on — the majority of the migrants settled in Fiji and contributed immensely to the economic development of the colony. From the very beginning, it was expected that those who remained in Fiji as British subjects would enjoy rights equal to those enjoyed by other British subjects resident in the colony. This intention was encapsulated broadly in Lord Salisbury's dispatch of 1875,<sup>16</sup> even though it became a dead letter when Indian provincial governments refused the request to assist indentured recruitment and emigration. Nonetheless, the sentiment was repeated on many occasions later.<sup>17</sup> It was no doubt on the promise of equality that Indo-Fijians demanded full participation in the colony's political life. This demand for equality, too, would be at the core of the political debate as Fiji inched towards independence. Just as Fijians demanded the recognition of the principle of paramountcy, Indo-Fijian leaders struggled to gain acceptance of the principle of parity.

The third leg of the Fijian stool was the Europeans — which in Fiji included Australians, New Zealanders and British.<sup>18</sup> They had been coming to Fiji since the middle of the nineteenth century, numbering about 2000 at the time of cession. Although small in number, the Europeans dominated the retail and wholesale trade in the colony, owned or leased plantations and occupied senior positions in Fiji's public life. In keeping with the ethos of the times, they regarded themselves, by virtue of their 'race', as superior to other segments of the society

and therefore entitled to a privileged position in the colony's affairs. In the late nineteenth and early twentieth centuries, European settlers, unhappy with the government's 'native' or land policies and unable to get their way, led a movement to federate Fiji with New Zealand. When that effort failed, they used other methods to gain recognition for their interests, chief of which was acceptance of their 'privileged' position in the colony's affairs.

Paramountcy, parity and privilege, then, were the three competing — not to say incompatible, but mutually reinforcing<sup>19</sup> — principles that informed the understanding the three communities had of their role and place in Fiji's society. These were invoked, at various times with varying degrees of success, whenever London and Suva mooted proposals for further constitutional change. The demand for changing the fundamental structure of the colonial order could be — and was — deflected as long as Suva and London had their hands on the levers of power and portrayed themselves as impartial arbiters of the colony's best interests. The Crown could be trusted to be fair to all its subjects. As independence loomed, however, and the departure of the colonial government became a certainty, the feeling of comfort began to give way to a deep and disquieting concern about the values and assumptions that should underpin the new order and about how the vital interests of the three communities could best be protected. This would be the central issue facing the CO in the 1960s.

A colony deeply divided by ethnicity and competing claims to political representation was one reality that confronted London and Suva. There was another: the racially compartmentalised nature of the electoral system that Fiji had adopted from the outset. From cession in 1874 to 1904, the Legislative Council comprised members nominated by the governor, much to the dismay and opposition of the European settler community, which wanted direct (and greater) representation. Their continuing agitation had the effect of forcing Suva to open up the legislature to limited elected representation.<sup>20</sup> By Letters Patent of March 1904, the hitherto wholly nominated legislature was replaced with one comprising 10 official members, six elected Europeans and two Fijians nominated by the Council of Chiefs. In 1916, the Letters Patent were further revised, increasing European representation by one (from six to seven) and nominated members from 10 to 12, one of whom, for the first time, was an Indo-Fijian (Badri Maharaj). Fijian representation remained unchanged. In 1929, partly as a result of representation by the Government of India, the Letters Patent were once again revised, reducing European seats in the Legislative Council from seven to six, giving Indo-Fijians three seats, to be elected from a communal roll, and three to Fijians, to be selected by the governor from a list of names submitted by the Council of Chiefs. The new Legislative Council therefore consisted of 13 official members, 12 unofficial members, nine elected and three nominated.

Soon after election, the Indo-Fijian members walked out of the Legislative Council when their motion for a non-racial common-roll system of voting was rejected.<sup>21</sup> This was the first public occasion when the government's policy of separate racial representation was challenged, but not the last. The issue of common roll would become one of the most deeply divisive in Fijian politics in the 1960s. Throughout the early 1930s, the method of election — common roll versus communal roll — the disparity in the representation of the three communities and the merits of nomination over elected representation dominated the political debate in the colony.<sup>22</sup> Indo-Fijians demanded parity with the Europeans, while Fijians favoured nomination over election and rejected the Indo-Fijians' demands as unreasonable and unjustified and a threat to their own position in the colony. London refused consistently to sanction common roll, citing as its reason the need to uphold pledges given to the Fijian people in the Deed of Cession. Europeans and Fijians opposed common roll, which they saw as the thin end of the wedge for Indian domination, and both opposed the system of election, at least in part because they saw this as threatening their particular interests. The Europeans feared competition from the part-Europeans (as they were called) because the latter were greater — and rapidly increasing — in number, and Fijian chiefs opposed election because they saw it as a threat to their traditional way of life and because their key concern was the economic betterment of the Fijians, not national constitutional advancement.

Change could not, however, be averted. In 1937, the Letters Patent were amended. For the first time, the three main ethnic groups were given equal representation in the Legislative Council, with five members each. Three each of the Europeans and Indo-Fijians were to be elected — with property qualification for candidates and voters — from communal rolls and two nominated by the governor. For the Fijians, the governor nominated five members from a list of 10 submitted by the Council of Chiefs. The remainder of the Legislative Council was made up of 'official members' — that is, heads of government departments. The distribution of representation in the Legislative Council ensured that the government always had the numbers to carry the day even in the most unlikely event of all the non-official members combining against it. As Mellor and Anthony point out:

The permanent official majority retained control over its proceedings, and the initiative for measures governing the conduct of the administration lay with its members. The prime role of the unofficial members, both elected and nominated, was to question and influence, hoping through reason and persuasion, to shape legislation and to fit the governmental activities of the colony to Fiji's needs.<sup>23</sup>

This structure remained in place until 1963.

It remained intact but not unchallenged. Throughout the 1940s and 1950s, unofficial members made several attempts — all ultimately unsuccessful — to persuade Suva (and through it London) to change policy and open up representation in the legislature to reflect and accommodate the demographic, social and economic changes sweeping Fiji, as well as to honour London's commitment to gradual self-government for the colonies. Specifically, the advocates of constitutional change wanted the system of nomination abolished and replaced by election. The agitation for constitutional reform in the 1940s was led not by the Indo-Fijian leaders but by Europeans. The main period of Indo-Fijian political agitation had ceased by the mid-1930s and would not be revived until the early 1960s. Unable to persuade their Fijian and European counterparts to embrace the principle of non-racialism, they quietly supported — but did not initiate — constitutional debate. For their part, Fijian leaders staunchly resisted any substantive change to the constitution, or any perceived dilution of their cherished links to the British Crown cemented in the Deed of Cession.

The first wartime debate took place in 1943, when Alport Barker, elected member of the Legislative Council and mayor of Suva, moved to have the nomination system abolished in favour of election, and to increase the number of unofficial members from five to six for each of the three main communities. His aim was to give the unofficial members dominance in the council. The debate went nowhere. Fiji was engaged in the Pacific War, and the sugar industry was embroiled in a catastrophic strike.<sup>24</sup> Barker withdrew the motion when the governor promised to appoint a select committee to investigate the issue.<sup>25</sup> Two years later, Harold Gibson, another elected member, broached the subject of increased elected representation — again to no avail. In 1948, Amie Ragg raised the subject again, but Fijians remained opposed. With the Indo-Fijian population becoming an outright majority in the colony, London and Suva expressed concern about the protection of the interests of the indigenous community. And this — together with a growing concern about how to deal with the 'Indian problem' — weighed heavily on the minds of officials. Opinion in Suva was divided. Some urged greater sympathy for the position of Indo-Fijians, who had made an enormous contribution to the economy and who had, therefore, their fair share of rights in the colony. They urged greater Fijian integration into the mainstream colonial economy.

In London, too, opinion was divided. Some officials urged caution and sympathy for the Fijian position. J. B. Sidebotham, assistant secretary and head of the then Pacific Department at the CO, was adamant that any attempt by Europeans and Indo-Fijians to force the pace of change should be 'firmly resisted', otherwise 'we are not fulfilling our duties as guardians' of the Fijian people.<sup>26</sup> Removing the official majority would place the Fijians at the mercy of Europeans and Indo-Fijians, 'who would undoubtedly use the resulting situation for their own

ends'. And any change that disturbed the traditional nature of the political structure — elections, for example — would be 'the greatest disservice that we could do to the Fijians', because they would become the 'plaything of political parties of other races'. There were, however, also those who argued that the status quo could not continue indefinitely. Among them was Sir Charles Jeffries, joint deputy undersecretary of state at the CO, who responded that the system of electoral representation had to bear some resemblance to the size of the two communities:

We cannot hope to hold indefinitely or perhaps for very long, the position that an official autocracy is necessary because the Fijian community is backward. We have to face the fact that the Fijians are only half the population of the Colony. The other half consists mainly of Indians, with a not negligible minority of whites. We, as trustees, have a special obligation to protect the interests of the Fijian race, but it is obvious that the ultimate goal must be a constitution based on a Fijian citizenship which shall include persons of all races who have made their home in the Colony.<sup>27</sup>

The 'no-changers' prevailed.

By the mid-1950s, Fiji had changed dramatically from the prewar years. In 1956, of the total colonial population of 345,164, Indo-Fijians numbered 48.2 per cent, Fijians 42.6 per cent, Europeans 2.7 per cent, part-Europeans 2.3 per cent, Chinese 1.2 per cent and other Pacific Islanders 3 per cent.<sup>28</sup> The increase in the Indo-Fijian population, which had overtaken the Fijian population during the war — increasing by 46,000 between 1945 and 1955 (it had taken Fijians 22 years to reach that figure) — was due mainly to four factors: a higher fertility rate, a lower infant mortality rate compared with the Fijians, the early marriage of Indo-Fijian women and a higher proportion of female children.<sup>29</sup> These figures rang many alarm bells. Population projections were disturbing. By 1967, it was predicted, the Indo-Fijian population would increase to one-quarter of a million while the Fijians would not reach that figure until 1980. The disparity in the real size as well as in the projection of Fijian and Indo-Fijian populations not only caused officials concern, it poisoned race relations in the colony, leading to calls in the 1950s for steady deportation of Indo-Fijians to remoter parts of the empire, such as the New Guinea highlands and even the Marquesas, which was a French territory!

There were other developments that were beginning to change the public face of the colony. As a result of the war, sea and air communication had increased greatly, connecting Fiji to the world as never before. Within Fiji, the internal transport system improved. A flourishing media — in English as well as Fijian and Hindi — brought the world closer to home. Radio came to many homes in the late 1940s and early 1950s. There was a rapid increase in primary and

secondary education. In 1946, there were 438 schools with 36,000 pupils.<sup>30</sup> Ten years later, there were 479 schools with 60,000 pupils. The number of Fijian schools — that is, schools that admitted only Fijian students — increased from 306 in 1946 to 310 in 1955, while the number of Indo-Fijian schools in the same period increased from 106 to 149. Numbers do not, by themselves, reveal the full story. Even though Fijian schools outnumbered Indo-Fijian schools by almost three-to-one, most Fijian schools did not go beyond grade five (only 32 of the 300 schools did), while among Indo-Fijian schools, 84 of the 141 primary schools took their students up to the final year, grade eight. This disparity was evident in other fields as well. In 1958, for instance, there were no professionally qualified Fijian lawyers and only one dentist and one medical doctor. In contrast, there were 38 Indo-Fijian lawyers, 12 medical doctors and eight dentists practising in Fiji. The gap in the educational and professional achievements of the two communities — a result of cultural, historical and economic circumstances — would become a matter of urgent public policy concern for London and Suva in the 1960s.

Three distinct problems faced the new governor, Sir Ronald Garvey, when he assumed office on 6 October 1952: the social and economic problems impeding the progress of the Fijian people, the economic development of the colony in the context of a rising population and limited and ineffectively utilised natural resources, and constitutional reform. Garvey tackled them with the courage and confidence of a man with an intimate acquaintance with islands (he was a close friend of the pre-eminent Fijian leader Ratu Sir Lala Sukuna). He appointed a commission of inquiry, headed by Professor O. H. K. Spate of The Australian National University, to investigate and report on the 'economic activity of Fijian producers, with special attention to the effects of their social organisation on that activity', and to 'consider how far the Fijians' social organisation may be a limited factor in their economic activity, and to suggest in what ways changes in that organisation might be desirable'.<sup>31</sup> Spate's report confirmed the widely held view that Fijians were lagging behind other communities. This was not necessarily because of the success of other groups but because Fijian social institutions and practices, which had evolved in another era and were suited to the needs and requirements of simpler times, had become moribund, smothering the creative life of the community. At the heart of Spate's report was the recommendation to loosen the rigid, stultifying structures of traditional society, to discourage social practices that made unwarranted demands on individual or communal resources and to encourage the gradual growth of individual enterprise and activity among the people — such as *galala* or independent farming — within the overarching ambience of village communities and not as an extraneous, unwelcome extension to them.<sup>32</sup>

To tackle the problem of population growth and economic development, Garvey appointed a commission chaired by Sir Alan Burns and comprising Professor A.

T. Peacock of Edinburgh University and T. Y. Watson, former secretary for agriculture and natural resources in Uganda to 'examine the surveys of the Colony's natural resources and population trends and, having regard to the need to ensure the maintenance of a good standard of living for all sections of the community, to recommend how the development of the Colony and its resources should proceed'.<sup>33</sup> The Burns Commission's recommendations were understandably more far reaching than Spate's. Those of a non-controversial nature — dealing, for instance, with the improvement of local infrastructure and the conditions of agricultural production, extension of the cooperative movement and technical education and the encouragement of independent farming — were accepted by the government and legislation was passed to implement them. The more controversial recommendations, however, especially those dealing with the structure of Fijian society, raised alarm in many Fijian minds.<sup>34</sup> Among the most radical of Burns' proposals was the recommendation to bring the traditional society into the mainstream. Burns recommended the reform and opening up of the separate system of Fijian administration and its replacement with a broad-based multiracial local government.

The separate system of administration, it will be recalled, was established by Sir Arthur Gordon in 1876 as a part of his policy of 'indirect rule', complete with its own secretariat, court system and native regulations designed to 'secure the continuance of the Fijian communal system and the customs and observances traditionally associated with it'.<sup>35</sup> The recommendation to dismantle the administration was opposed by Fijians because they saw their identity and aspirations tied up with it, and because the recommendation came at a time when the political atmosphere in the colony was deeply unsettled. Once emotions had subsided, however, Fijians came around to the view that change was desirable, indeed inevitable, and the system was liberalised substantially in the late 1960s. Among the changes was the abolition of the penal sanctions that had enforced acceptance of subsistence village life for most Fijians and the introduction of elected provincial councils. Fijians were now completely free to remove themselves to towns or other places — as they had already been doing for some time — without having to seek the permission of traditional leaders.

The third problem Garvey tackled was constitutional reform. He informed London that he was convinced of the need for change. 'The position now is that there is a slowly growing interest in constitutional matters, both on the part of the Fijians and the Indians.' Fiji was calm and peaceful, Garvey said, but for how long? 'If we can consider changes in the constitution, now, deliberately and calmly should we not be wise to seize this golden opportunity? There is at present this healthy, if hesitant trend; so should we not seize the growing interest and turn it to our advantage.'<sup>36</sup> Writing to Sir John Macpherson, permanent secretary at the CO, in October 1956, Garvey defended his proposed changes,

among which were the removal of official majority from the Legislative Council, the disappearance of nominated members, an increase in the number of Fijian, Indo-Fijian and European members to five (from the existing three), with the Fijian members being elected by the Council of Chiefs itself (rather than the governor selecting names from a list provided by the council) and universal adult franchise for Indo-Fijians and Europeans subject to literary qualification.<sup>37</sup> His most radical proposal — made for the first time — was for the creation of a ‘multiracial bench’ of four members (one each for the three main racial groups and one for ‘other’) elected by a weighted common roll.<sup>38</sup> His ultimate goal was a common Fijian citizenship.

The idea of a multi-racial bench composed of a common vote on a proportional basis, is my own; but I should say here that it has not found much favour with the few official advisers whom I have consulted, though if we are aiming at a growth of a consciousness of Fijian citizenship over-riding differences of race and religion, I think it has considerable merit.<sup>39</sup>

Another of Garvey’s controversial proposals was for the abolition of the official majority in the Legislative Council. The main reason — or at least the officially stated reason — for the official majority was to protect special interests, such as the interests of the Fijians and other minorities. In practice, however, Garvey said, he had never found it necessary to use the official majority for that purpose. ‘I do not think there is any danger in the Government being defeated if the official majority were removed, always provided the Governor were invested with reserved powers, and I consider that a healthier atmosphere would be created if it went.’ Garvey also wanted to abandon the system of nomination. Its abolition would be a popular move, he told London.

Whatever may be said about nominated members they are always regarded as Government yes-men, even though frequently they are among Government’s more trenchant critics, and this taint vitiates them in the public eye. The choice of them becomes more and more difficult, and their value is just as difficult to assess, and little — if anything — would be lost if the system were discontinued.<sup>40</sup>

He was echoing the sentiments of his predecessor, Sir Brian Freeston, who had told London in 1949 that he ‘attached little value or importance to maintaining the principle of nominated members, and should shed no tears if the nominated seats ... were thrown open to election’. Garvey also wanted the number of elected European and Indo-Fijian members increased from three to five, and all five Fijian members elected by the Great Council of Chiefs.

On the more controversial of his proposals, Garvey was not supported by his closest senior advisors, who argued that Europeans and Fijians would oppose

it, regarding it as the 'thin end of the wedge' leading eventually to common roll, paving the way for reforms too radical for the colony to bear and giving the Indo-Fijian leaders a sense of victory. Some officials were addicted to ingrained habits of thought and were instinctively defensive about any challenge to the underpinnings of their carefully constructed though fragile artefact of the colonial state. There were also many who saw traditional Fijian society — with its well-structured hierarchical system governed by protocol and tradition — through rose-tinted glasses, and who were averse to disturbing its idyllic, unchanging pattern of subsistence life.<sup>41</sup> Garvey remained undaunted, saying that his proposals for encouraging multiracialism were necessary and long overdue if the aim was — as he assumed it to be — the encouragement of a multiracial Fijian citizenship. Preserving the status quo was no solution at all to Fiji's problems.

Nor was Garvey averse to talking bluntly with the Fijian leaders who resisted change. He did this from a position of strength and from strong personal relationships with many leading Fijians, especially Ratu Sir Lala Sukuna. In 1954, Garvey asked the Council of Chiefs to consider directly electing three of their five representatives to the Legislative Council and even floated the idea of adult Fijian franchise. He told the chiefs that the 'chiefly system on which so much depends should march with the times and should not ignore — for too long — the modern trend of democracy'. To those who invoked the Deed of Cession in support of gradualism and permanent paramountcy of Fijian interests, he responded with characteristic though unprecedented bluntness. He addressed the colony in his Cession Day speech in 1957 with a frankness rare in Fiji's history:

Surely the intention of this Deed, acknowledged and accepted by chiefs who were parties to it, was that Fiji should be developed so as to take a significant place in the affairs of the world but that, in the process, the rights and interests of the Fijian people should be respected. To read into the Deed more than that, to suggest for instance, that the rights and interests of the Fijians should predominate over everything else, does no service either to the Fijian people or their country. The view, for the Fijians, would mean complete protection and no self-respecting individual race wants that because, ultimately, it means that those subject to it will end up as museum pieces. The Indians are equally eligible to have their interests respected. By their work and enterprise, the Indians in Fiji have made a great contribution to the development and prosperity of their country, and to the welfare of its people. They are an essential part of the community and it is unrealistic to suppose that they are not or to imagine the position of Fijians in the world today would benefit by their absence.<sup>42</sup>

Garvey's proposals were discussed widely in the CO, which recommended caution to 'keep a firm grip of the initiative', to act 'just in advance of pressure, but only just'. Any lasting solution to Fiji's problems would have to keep the racial factor firmly in the foreground. Care should be taken not to play into the hands of the Indo-Fijians, which would incite the Fijians, at great cost to the colony. Secretary of State Lloyd wrote to Garvey:

It seems to us very unwise to do anything to encourage [constitutional reform] to grow more quickly unless we have some fairly clear idea where we are going. In some respects Fiji is a very difficult proposition from the point of view of constitutional advance. We are all, very naturally inclined to think of such advance in terms of British institutions, leading in the direction of an elected assembly, universal adult suffrage, the party system, the vesting of executive power in unofficial Ministers and so forth. Yet we are learning by experience elsewhere that the traditional British pattern, however suitable for places of a certain size, is difficult to work out in small territories, even where there is a homogenous and relatively well advanced population; it is still more difficult to apply in such a place as Fiji, where race means more than party, and where a dilemma is created by the numerical preponderance of the Indo-Fijians on the one hand and our obligation to the Fijians on the other.<sup>43</sup>

In further discussion with Garvey in Suva in June 1957, Philip Rogers, assistant undersecretary of state, shut the door. It was not 'desirable to stimulate constitutional change for its own sake', bearing in mind the 'possibilities of racial conflict' in Fiji.<sup>44</sup> The official majority should be retained, along with nominated members who had an important role to play and who could represent minority communities that sought separate representation, such as Muslims. The spirit of Garvey's multiracial Bench was accepted though not his proposal about how to achieve it. 'We do not care for the system of weighting votes which you propose largely because they would highlight the disparity in size of the electorates and lead to probably irresistible pressure for a, possibly gradual, whittling down of the relative weighting.' By the time a disappointed Garvey left Fiji on 28 October 1958, the need for constitutional reform and change in other areas of the colony's life had been accepted widely. By the late 1950s, the question was its pace and direction.

## ENDNOTES

- <sup>1</sup> For a succinct summary of early history, see Howe, K. R. 1984, *Where the Waves Fall: A New South Sea Islands History from First Settlement to Colonial Rule*, University of Hawai'i Press, Honolulu. See also Derrick, R. A. 1950, *A History of Fiji*, Government Printer, Suva.
- <sup>2</sup> See Routledge, David 1985, *Matanitu: Struggle for Power in Early Fiji*, University of the South Pacific, Suva; and Scarr, Deryck 1973, *The Majesty of Colour. Vol. 1: I, The Very Bayonet*, Australian National University Press, Canberra.
- <sup>3</sup> See Legge, J. D. 1958, *Britain in Fiji, 1858–1880*, Macmillan, London.
- <sup>4</sup> For an early revisionist account of the Pacific Islands labour trade, which questions this view, see Corris, Peter 1973, *Passage, Port and Plantation: A History of Solomon Islands Labour Migration, 1870–1914*, Melbourne University Press, Melbourne.
- <sup>5</sup> See the *Hansard of Legislative Council* debates for this period.
- <sup>6</sup> See Tagupa, William E. H. 1991, 'The Unanticipated Republic of Fiji: Deed of Cession as the Constitutional Basis of Legitimacy', in W. Renwick (ed.), *Sovereignty and Indigenous Rights: The Treaty of Waitangi in International Contexts*, Victoria University Press, Wellington, p. 137.
- <sup>7</sup> I have been told—but have not been able to verify—that there was a rough translation of the deed in Fijian prepared about the time of cession, but it was never accorded any formal status, and it has never featured in public discourse.
- <sup>8</sup> The full text is in Derrick (1950:Appendix [n. 13]).
- <sup>9</sup> For a biography of Gordon—somewhat dated now but still the only one available—see Chapman, J. K. 1964, *The Career of Arthur Hamilton Gordon: First Lord Stanmore, 1829–1912*, University of Toronto Press, Toronto.
- <sup>10</sup> For a detailed description of the original system of indirect rule, see Legge (1958:[n. 15]).
- <sup>11</sup> As pointed out by, among others, Peter France in his remarkable book *The Charter of the Land: Custom and Colonisation in Fiji* (1969, Oxford University Press, Melbourne).
- <sup>12</sup> For more on Fijian land tenure and related issues, see Kamikamica, Josefata 1997, 'Fiji native land: issues and challenges', in B. V. Lal and T. R. Vakatora (eds), *Fiji in Transition: Vol. 1 of the Papers of the Fiji Constitution Review Commission*, School of Social and Economic Development, University of the South Pacific, Suva, pp. 259–90.
- <sup>13</sup> For a useful survey, see Newbury, Colin 2003, *Patrons, Clients & Empire: Chieftaincy and Over-rule in Asia, Africa, and the Pacific*, Oxford University Press, Oxford, pp. 216–39.
- <sup>14</sup> See Moynagh, Michael 1978, 'Brown or White? A History of the Fiji Sugar Industry, 1873–1973', *Pacific Research Monograph Series*, no. 5, The Australian National University, Canberra.
- <sup>15</sup> See Gillion, K. L. 1973 (second edn), *Fiji's Indian Migrants: A History to the End of Indenture in 1920*, Oxford University Press, Melbourne; and Lal, Brij V. 1983, 'Girmitiyas: The Origins of the Fiji Indians', *Journal of Pacific History Monograph*, Canberra.
- <sup>16</sup> See Gillion (1973:21–2 [n. 27]).
- <sup>17</sup> See Lal, Brij V. 1997a, *A Vision for Change: A. D. Patel and the Politics of Fiji*, National Centre for Development Studies, The Australian National University, Canberra, p. 6 (n. 4), quoting the Sanderson Commission (1910): 'The present [Fijian] administration itself fully recognises the value of the Indo-Fijians as permanent settlers and is willing to concede them the enjoyment of equal civil rights. The whole tenor of the correspondence between India and the colony shows that it was on this condition that indentured immigration in Fiji has been allowed in the past, and any measures leading towards lowering the political status of the immigrants or reducing their economic freedom would, in our opinion, involve a breach of faith with those affected.'
- <sup>18</sup> An early study of European settlers can be found in Young, John 1984, *Adventurous Spirits: Australian Migrant Society in Pre-Cession Fiji*, University of Queensland Press, St Lucia.
- <sup>19</sup> The European community used its position of privilege to attain parity of representation. In turn, this helped consolidate paramountcy by facilitating what later emerged as a de facto alliance of European and Fijian interests to block Indo-Fijian aspirations.
- <sup>20</sup> For a succinct survey, see Ali, Ahmed 1980, 'Political Change: From colony to independence', *Plantation to Politics: Studies on Fiji Indians*, University of the South Pacific, Suva, pp. 130–66.
- <sup>21</sup> See Gillion, K. L. 1977, *The Fiji Indians: Challenge to European Dominance, 1920–1946*, Australian National University Press, Canberra, pp. 130–56.

- <sup>22</sup> See Ali (1980:[n. 32]) and Lal, Brij V. 1992, *Broken Waves: A History of the Fiji Islands in the 20th Century*, University of Hawai'i Press, Honolulu, pp. 60–102 (n. 3).
- <sup>23</sup> Meller, Norman and Anthony, James 1968, *Fiji Goes to the Polls: The Crucial Legislative Council Elections of 1963*, East West Center, Honolulu, p. 16.
- <sup>24</sup> See Lal (1992:108–58 [n. 3]).
- <sup>25</sup> A detailed discussion is in Lal, Brij V. 1997b, 'The Decolonisation of Fiji: Debate on Constitutional Change, 1943–1963', in D. Denoon (ed.), *Emerging from Empire? Decolonisation in the Pacific*, Division of Pacific and Asian History, The Australian National University, Canberra, pp. 26–39.
- <sup>26</sup> Minute by J. B. Sidebottom, 9 September 1947, CO83/245/5.
- <sup>27</sup> Minute by Sir Charles Jeffries, 18 September 1947, CO83/245/5.
- <sup>28</sup> In 1956, Fijians numbered 148,134 while Indo-Fijians numbered 169,403 in a total population of 345,737. At the end of 1967, the total population was 502,956, with Fijians making up 41.5 per cent and Indo-Fijians 49.81 per cent.
- <sup>29</sup> I am indebted to Dr Satya Srivastava for her research on population and Indo-Fijian women in Fiji. See also Chandra, Rajesh and Mason, Keith 1998, *An Atlas of Fiji*, Department of Geography, University of the South Pacific, Suva.
- <sup>30</sup> These figures are extracted from Fiji *Annual Reports*.
- <sup>31</sup> Spate, O. H. K 1959, 'The Fijian People: Economic Problems and Prospects', *Legislative Council Paper*, 13/1959.
- <sup>32</sup> Other academic observers in the 1960s tended to confirm Spate's findings. Among them were: Watters, R. F. 1969, *Koro: Economic Development and Social Change in Fiji*, Oxford University Press, London; and Belshaw, Cyril S. 1964, *Under the Ivi Tree: Society and Economic Growth in Rural Fiji*, Routledge and Kegan Paul, London.
- <sup>33</sup> Burns, Sir Alan et al. 1960, 'Report of the Commission of Enquiry into the Natural Resources and Population Trends of the Colony of Fiji, 1959', *Legislative Council Paper*, 1/1960.
- <sup>34</sup> See, for example: Ali, Ahmed 1986, 'Political change, 1874–1960', in B. V. Lal (ed.), *Politics in Fiji: Studies in Contemporary History*, Allen and Unwin, Sydney, pp. 24–5.
- <sup>35</sup> *Colonial Reports*, 1952, Her Majesty's Stationery Service, Fiji, p. 85.
- <sup>36</sup> 'Constitutional Development', letter from Sir R. Garvey to Sir T. Lloyd, 11 February 1956, CO1036/10, no. 26.
- <sup>37</sup> Letter from Sir R. Garvey to Sir J. Macpherson, 14 October 1956, CO1036/10, no. 33.
- <sup>38</sup> For a summary of the correspondence, see 'Constitutional Development B Fiji', 3 October 1958, CO1036/307, no. 18.
- <sup>39</sup> Letter from Sir R. Garvey to Sir J. Macpherson, 14 October 1956, CO1036/10, no. 3.
- <sup>40</sup> See Lal (1997b:33 [n. 37]).
- <sup>41</sup> See, for example, Roth, G. K. 1953, *The Fijian Way of Life*, Oxford University Press, Melbourne.
- <sup>42</sup> Quoted in Lal (1992:148–9).
- <sup>43</sup> Lloyd to Garvey, 20 March 1956, CO1036/10, no. 7.
- <sup>44</sup> P. Rogers to Garvey, 16 January 1957, CO1036/10, no. 36.

