FIJI
Constitutional Conference
1965

Presented to Parliament by the Secretary of State for the Colonies:
by Command of Her Majesty.
October 1965

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CONTENTS

Foreword

Report of the Conference

Appendix

Colonial Office dispatch No. 245 of the 5th July 1965
FOREWORD

1. In a despatch dated the 15th August, 1963, the then Secretary of State informed the Governor of Fiji that "the British Government accept that the time is approaching when the future relationship between Fiji and Britain should be clarified and codified, and will be glad, in consultation with representatives of the people of Fiji, to work out a constitutional framework which will preserve a continuing link with Britain and within which further progress can be made in the direction of internal self-government."

2. Under the present constitution of Fiji, the Legislative Council consists of the Speaker and not more than 19 official members nominated by the Governor, and 18 unofficial members, of whom 6 are Europeans (4 constituency members and 2 nominated), 6 Indians (4 constituency members and 2 nominated) and 6 Fijians (4 constituency members and 2 elected by secret ballot by the Council of Chiefs, itself consisting of elected and nominated members). The Executive Council, presided over by the Governor, consists of the Colonial Secretary, the Attorney General and the Financial Secretary, as ex officio members, and seven nominated members, including a European, a Fijian and an Indian from the unofficial members of the Legislative Council. In July 1964, the "membership system" was introduced. At this stage three of the six unofficial members of Executive Council (one Fijian, one Indian and one European) were vested with special responsibility respectively for natural resources, social services, and communications and works.

3. In February 1965 it was decided that a constitutional conference should be held in July, and discussions were opened between the Governor and the unofficial members of the Legislative Council, designed to clarify the issues to be considered at the conference and to establish as wide an area of agreement locally as possible. On the 26th April the Federation Party led by Mr. A. D. Patel decided to withdraw from these discussions.

4. In April 1965 Mrs. Eirene White, the Parliamentary Under-Secretary of State for the Colonies, visited Fiji and held discussions with representatives of all communities. The main objective was to ensure that the British Government were fully conversant with the views of all communities in Fiji and especially of the minorities who would not be directly represented at the Conference, membership of which was to be confined to the 18 unofficial members of Legislative Council.

5. In July the Secretary of State for the Colonies, in a despatch addressed to the Governor, outlined the objectives of the Conference as follows:

"I hope that it will be possible, by building on the foundations already laid, to move towards a greater degree of internal self-government than at present exists in Fiji. With this in view I suggest that the
Conference will need, amongst other things, to consider the development of the membership system: a strengthening and broadening of the elected element in the Legislative Council; and matters affecting the franchise. The Conference will no doubt also wish to consider the adoption of certain generally accepted provisions designed to safeguard human rights, the public service and the judiciary. A copy of the despatch is annexed (page 16).

6. Before the Conference opened, general agreement had been reached in Fiji that independence was not an issue to be discussed. It was also agreed that all minority communities not at present enfranchised should be brought on to the electoral rolls. The principal communities in question were the Rotumans (the inhabitants of Rotuma a remote island which is administered as part of Fiji), the Chinese and certain other Pacific islanders. Her Majesty’s Government, while accepting this view, were concerned during the conference to ensure that the enfranchisement of these communities should not lead to a further multiplication of communal electoral rolls, which they considered to be against public policy. This concern is reflected in the decision of the Conference that the Rotumans and other Pacific islanders should in future vote with the Fijians and that the Chinese should be included on the same roll as the Europeans. It also explains their inability to entertain the requests of various other minorities, such as the Muslim community, to be separately represented on the electoral rolls of the Colony.

REPORT OF THE FIJI CONSTITUTIONAL CONFERENCE 1965

Introduction

1. The Fiji Constitutional Conference, 1965, was held at Marlborough House, London, S.W.1., from the 26th July to the 9th August, 1965. The Rt. Hon. Anthony Greenwood, M.P., Secretary of State for the Colonies, presided at the opening and closing sessions and Mrs. Eirene White, M.P., Parliamentary Under-Secretary of State for the Colonies, presided at the other sessions. Sixteen sessions were held in all. A list of these present is in the Appendix.

2. The purpose of the Conference was to work out a constitutional framework for Fiji which would preserve a continuing link with Britain and within which further progress could be made in the direction of internal self-government.

3. The Conference agreed that for the first time the Constitution would provide for a majority of elected members in the Legislative Council. The nomination of unofficial members would be discontinued entirely and the number of nominated officials would be reduced to a maximum of four. It was also agreed that the members of all minority groups, who have hitherto had no vote, would be enfranchised and eligible to stand for election. Fiji will thus attain universal adult suffrage. Agreement was also reached on provision for the introduction of a Ministerial system and for a Bill of Rights to be incorporated in the Constitution.

4. There were, however, strongly opposed views within the Fiji delegation on the method of election to the Legislative Council and the representation therein of the different communities. The Indian group contended that the proper course was to proceed at once, with appropriate safeguards, to the replacement of the existing system of elections on communal rolls by a system under which all the elected members of the Legislative Council would be returned, by single member constituencies, on a straight common roll, that is to say, with neither communal qualifications for electors nor communal reservation of seats for candidates. The Fijian and European groups, on the other hand, took their stand on the retention of a fully communal system of elections as at present. While both these groups recognised that election on a straight common roll basis was a desirable long-term objective, they could not agree to its introduction at the present stage or in the foreseeable future. Faced with this conflict of views the Conference did not succeed in reaching agreement on when such a system should be introduced.

5. Her Majesty’s Government, for their part, recognised that election on a straight common roll basis was not practicable for Fiji until a greater degree of integration of the communities had been achieved. They made clear, however, the importance they attached to introducing a system whereby some members would be both elected by and responsible to voters drawn from all communities. To this end they put forward certain proposals which were eventually accepted by the Fijian and European groups and
in part by one of the Indian delegates (see paragraph 30). These form the
basis of the recommendations set out in paragraphs 21 and 22 below.
It was emphasised by the Fijian and European delegates that these proposals
would be brought before the communities in Fiji affected by them, through a
debate in the Legislative Council. These proposals, however, were not
accepted by the remainder of the Indian group. They proposed a system
of full common roll elections with appropriate safeguards. When it became
clear that this was not acceptable, they offered the alternative compromise
proposal summarised in paragraphs 24-27. This alternative proposal
failed to secure acceptance by the Fijian and European groups in the Fiji
delegation. The Indian group indicated that in these circumstances they
would wish to take their stand on the proposals for full common roll
elections.

6. In the discussion on the provisions of the Constitution dealing with
executive powers, the Indian group, with one dissentient (see paragraph 41),
made it clear that they considered that the stage had been reached where
full internal self-government should be introduced forthwith. The remainder
of the delegation considered that it was still necessary for the Governor to
retain a substantial measure of discretionary power and preferred the
recommendations which are set out in paragraph 40 below.

7. The Conference reached the following conclusions with reservations
as noted in the text.

The Crown
8. The position of the Crown would remain unchanged.

The Governor
9. The Governor would continue to be appointed by the Crown on the
advice of Her Majesty's Government in the United Kingdom.

The Judiciary
10. The Constitution would contain provisions expressly establishing
the Supreme Court, and the Court of Appeal and prescribing their com-
position. The judges of these Courts would be appointed by the Governor
on instructions from Her Majesty. There would be a safeguard against
the abolition of the office of any judge during his tenure of office. Judges
would be removable only for inability or misconduct, and only upon the
recommendation of the Judicial Committee of the Privy Council after a
local judicial/tribunal had investigated the facts. The Constitution would
prescribe the qualifications for judges.

11. Appeals would continue to lie to the Judicial Committee of the Privy
Council.

12. There would be provision in the Constitution for a Judicial and
Legal Service Commission consisting of the Chief Justice as Chairman, the
Attorney-General (see paragraph 44), the Chairman of the Public Service
Commission (see paragraph 15) and one other member appointed by the
Governor in his discretion. The Governor would be required to consult
the Commission on the appointment and discipline of the subordinate
Judiciary and the holders of other public offices for which legal qualifi-
cations are required but would not be bound by the advice of the Commiss-
ion. The provisions relating to the security of tenure of a member of the
Public Service Commission, and to the qualifications and disqualifications
attaching to his office (see paragraphs 15 and 16 below) would apply also
in relation to the appointed member of the Judicial and Legal Service
Commission.

Public Service
13. The Constitution would contain provisions establishing the Public
Service Commission and the Governor would be required to consult the
Commission on the appointment of persons to certain public service posts
(including appointments on promotion and on transfer from one public
office to another) and their disciplinary control but would not be bound
by the advice of the Commission.

14. The Public Service Commission would be responsible for advising
the Governor on all public posts in the public service except the following:
(a) The Chief Justice and puisne judges and the judges of the Court of
Appeal;
(b) posts dealt with by the Judicial and Legal Service Commission;
(c) posts dealt with by the Police Service Commission;
(d) Chief Secretary (at present known as Colonial Secretary);
(e) Attorney-General (see paragraph 44);
(f) Financial Secretary;
(g) Secretary for Fijian Affairs;
(h) Director of Audit;
(i) Commissioner of Police;
(j) Junior and subordinate officers of disciplined services such as the
Police and Prison Services.

The Commission would be empowered with the consent of the Governor, to
dezelate its functions to one or more of its members or to other public
authorities.

15. The Public Service Commission would consist of a chairman and
not more than three members appointed by the Governor, in his discretion,
for a fixed term of three years. There would be transitional provisions
permitting some of the initial appointments to be for a shorter period in
order to ensure continuity of experience. During their term of office they
would be irremovable except on grounds of inability or misconduct
established by a judicial tribunal. Members would be eligible for re-appoint-
ment. The Constitution would direct the Public Service Commission that
in appointments to the public service, preference should be given to suitably
qualified local candidates. The Public Service Commission would also be
directed to ensure that as far as possible each of the communities in Fiji
would receive fair treatment in respect of appointment to the public service.

16. Sitting members of the Legislative Council and serving members
of the public service would be disqualified from membership of the Commis-
sion. Persons who had stood as candidates for election in the Legislative
Council and also former unofficial members of the Legislative Council could not be members of the Commission within three years of standing for election or of vacating their seats. Members of the Commission would be disqualified for nomination for election to the Legislative Council within a period of three years after ceasing to be members of the Commission. Members of the Public Service Commission would not be eligible for appointment to public office for three years after retirement. Retired civil servants would be disqualified from membership of the Public Service Commission for a period of two years after retirement.

17. The terms of service of public servants would continue to be one of the special responsibilities of the Governor.

Police Service Commission

18. The Constitution would contain provisions establishing the Police Service Commission and the Governor would be required to consult the Commission (but not be bound by their advice) on the appointment of all officers of gazetted rank except the Commissioner of Police. The Police Service Commission would consist of a chairman and not more than two members, all of whom would be appointed by the Governor in his discretion. The provisions relating to security of tenure of a member of a Public Service Commission and to the qualifications and disqualifications attaching to his office (see paragraphs 15 and 16 above) would apply also in relation to a member of the Police Service Commission.

Bill of Rights

19. A Bill of Rights would be included in the Constitution. Subject to what is said below, any law which is inconsistent with the Bill of Rights would be void. Application would lie to the Supreme Court for redress in relation to infringement of the provisions of the Bill of Rights. The Bill of Rights would protect the right to life, personal liberty, freedom of movement and residence, freedom from inhuman treatment, freedom from slavery and forced labour, freedom from arbitrary search and entry, the right to a fair trial in criminal and civil cases, freedom of conscience, freedom of expression, assembly and association, freedom from arbitrary seizure of property and freedom from discrimination, subject to certain general qualifications to permit restrictions that are reasonably justifiable in the public interest or to protect the rights and freedoms of others, and for deprivations in time of war or public emergency.

20. The right to freedom from discrimination would not invalidate existing laws, but when the discriminatory effect of a particular law had been reduced or eliminated, it could not be reintroduced. It was accepted that the aim should be in eliminating conflict between existing laws and the right to freedom from discrimination. The Indian group of the Fiji delegation wished to record their view that there should be no saving for existing laws which were in conflict with the right to freedom from discrimination and which could not be brought within one of the specific exceptions set out by the Constitution; these laws should therefore become void as from the introduction of the Constitution. If, however, this was not practicable, they suggested that such laws should be saved only for a specified period, without prejudice to their earlier repeal if possible.

Legislative Council

Composition

21. The Legislative Council would comprise thirty-six members elected as described below together with not more than four official members. The number of Fijian members elected on the Fijian communal roll would be increased from the present four to a total of nine. In addition, there would continue to be two Fijian members elected by the Council of Chiefs. For the purpose of the election of these nine members, Rotumans and other Pacific Islanders would be given the opportunity of being grouped with the Fijians and would thus, for the first time, be enfranchised and eligible to be elected to the Legislative Council. The number of Indian members elected on the Indian communal roll would also be increased from the present four to a total of nine. Instead of the present four European members elected on the European communal roll there would be seven members elected on a roll, on which people of the Chinese and other communities, not at present entitled to vote, would also be eligible for registration. They would also be eligible for election to the Legislative Council.

22. In addition to the twenty-seven members elected as described above, a further nine members would be elected on a system of cross-voting under which, though the seats would be reserved in equal proportions for members of the three communities (the Rotuman and other Pacific Islanders being grouped with the Fijians and the Chinese and others with the Europeans), each member would be elected by persons of all communities. In this way each elector would take part in the election of members of the other communities as well as of his own, and each member of the Council elected under this system would be responsible to persons of the other communities as well as to his own. For the purpose of these elections the country would be divided into three constituencies, each returning one Fijian (or Rotuman or other Pacific Islander), one Indian and one European (or Chinese). The electoral rolls would be made up by amalgamating the three communal rolls for the relevant areas.

23. As indicated in paragraph 5 above, the Indian group submitted a proposal for the immediate introduction of elections on a common roll without any seats being communally reserved. When it became clear that this was unacceptable to the two other communities they put forward certain alternative compromise proposals under which, to the extent that elections on a fully communal basis were to be retained, there would continue to be parity between the Fijian and Indian communities. These alternative proposals involving communal rolls, cross-voting and common roll — are summarized below.

24. The Legislative Council would contain 36 elected members. Twelve of these would be elected on communal rolls as at present, four members for each community. A further 18 members would be elected by a system of cross-voting. For this purpose Fiji would be divided into three constituencies, each returning six members. In each constituency two seats
would be reserved for Fijians, two would be reserved for Indians, one would be reserved for a European and the remaining one for a member of the other communities, e.g., Rotumans, other Pacific Islanders and Chinese. The remaining six members would be returned by the same three constituencies, each constituency returning two of them. The electorate would be the same as for the 18 seats just described but there would be no racial qualification for candidates.

25. It was explained that the Indian group expected that the members of the minor communities (Rotumans, etc.) would participate in the above non-communal elections.

26. Where one constituency was required to return more than one member in each of the above elections (e.g., two Fijians for the racially-reserved seats on the cross-voting system or two members for the non-reserved seats) the system used would be the "first past the post" system.

27. The Indian group explained that if these proposals, or if a scheme worked out on similar lines, were acceptable to the delegates, they recognised that certain safeguards might be considered necessary to avoid under-representation of particular communities.

28. When these alternative proposals made by the Indian group failed to gain acceptance by the Fijian and European groups, the Indian group again took their stand on their original proposals for the immediate introduction of common roll elections and made it clear that the proposals described in paragraphs 21 and 22 above were unacceptable to them.

29. The Indian group unanimously rejected, and recorded their strong protest against, the proposal that there should be two more Fijian members of the legislature than Indian members. They rejected the argument of the Fijian and European groups that the additional representation was justified by the special position occupied by the Fijian community in Fiji. They also rejected the argument of the United Kingdom delegation that two extra Fijian seats were justified by the inclusion of the Rotuman and other Pacific Island communities in the Fijian electorate. They made it clear that the Indians constituted the majority of the population, though not necessarily of the electorate at the next election, they were entitled to at least parity of representation with the Fijian, the Rotuman and other Pacific Island communities combined.

30. As mentioned in paragraph 5 above, one member of the Indian group (Mr. Singh) indicated that he could accept only in part the proposals set out in paragraphs 21 and 22. While he would have preferred the adoption of elections on a common roll basis, he was prepared to accept the proposals, but only in so far as they related to the method of election. So far as the number of members was concerned, he supported the other members of the Indian group in contending that parity between the two major communities should be retained.

Nominated Official Members

31. The only nominated members would be those persons who were, for the time being, the official members of the Executive Council (see paragraph 36 below). The Governor’s present power to nominate up to sixteen official members (in addition to the three ex-officio members provided for by the present Constitution) would disappear. His power to nominate unofficial members of the Legislative Council to represent the various communities would also be abolished.

Qualifications and Disqualifications of Candidates

32. The qualifications and disqualifications of candidates would be the same as at present with the following exceptions:

(a) the present requirement relating to property or income would be abolished but local law should contain a provision related to candidates furnishing a deposit;

(b) for the purpose of establishing the community to which a candidate belonged, he would be permitted to trace his descent through his mother if he could not ascertain who his father was;

(c) British protected persons would be entitled to be elected on the same basis as British subjects.

(d) At the first election under the Constitution, Fijian civil servants would not be disqualified to stand for election to the Legislative Council but would, if elected, vacate their posts as soon as the Legislative Council first met thereafter if they had not by then retired from the public service. At all subsequent elections Fijian civil servants would be disqualified to stand for elections to the Legislative Council and would therefore have to retire from the public service before nomination.

(e) Members of the Commissions established by the Constitution would be disqualified for nomination for election to the Legislative Council within a period of three years after ceasing to be members of the Commissions.

Qualifications and Disqualifications of Electors

33. The qualifications and disqualifications of electors would be the same as at present with the following exceptions:

(a) the literacy test would be abolished;

(b) the same alteration would be made in the rules governing the method of establishing the community to which an elector belonged as is to be made in the case of candidates;

(c) British protected persons would be eligible to a vote on the same basis as British subjects.

The Speaker and the Deputy Speaker

34. The Legislative Council would elect a Speaker either from within the Council or from persons outside who were qualified to be elected to the Legislative Council. There would be no by-election in his constituency for a Speaker elected from the Legislative Council. He would hold office until the Legislative Council’s first meeting after the General Election following his appointment. A majority of two-thirds of the Legislative Council would be required to remove a Speaker from office. The Speaker would have no vote on motions before the Legislative Council. Any motion upon which the votes were equally divided would be regarded as withdrawn.
The Speaker would be among the officers whose salary was a charge upon the Consolidated Fund. The Legislative Council would be empowered to appoint a Deputy Speaker from among its members. His powers and functions when presiding at the Legislative Council would be the same as those of the Speaker.

Powers

35. Subject to the restrictions imposed by the Colonial Laws Validity Act 1865 (which invalidates a colonial law to the extent to which it is inconsistent with an imperial enactment extending to the Colony) and by any provisions of the Constitution itself such as a Bill of Rights, the Constitution would give the Legislative Council full power to make laws on any subject. There would be a provision to prevent Bills being introduced without the consent of the Governor if their effect would be to impose taxes or to increase expenditure or to alter terms and conditions of service of public officers. The Governor would have power to refuse assent, to reserve legislation, and to ensure that Bills were passed by certification. Certain subjects specified by reference to particular laws would be dealt with by special procedure in the Legislative Council. Under this procedure Bills affecting the laws concerned would require the support of more than two-thirds of all the elected members of the Legislative Council. A similar requirement should apply to any resolution the effect of which would be to recommend any change in the Constitution. The Indian group of the Fiji delegation wished to record their dissent from these proposals.

36. The Governor would be required to reserve certain kinds of Bills, e.g., Bills which appear to him to conflict with international obligations or affect the Royal Prerogative, or Bills which purport to amend the Constitution. The power of disallowance would be retained by the Crown. Besides these restrictions on the powers of the Legislative Council the Crown would retain the power to reserve or amend the Constitution by Order in Council and to make other laws for Fiji by Order in Council.

Prerogation

37. The Governor's power to prorogue the Legislative Council would be exercised after consultation with the Executive Council, though he would not be bound by such consultation.

Dissolution

38. The maximum life of the Legislative Council would be five years. The Governor would be empowered to dissolve the Legislative Council in his discretion.

Executive

39. The executive power would remain formally vested in the Governor at all stages, although particular laws might confer certain functions on other officers and authorities. The Governor would continue to appoint the members of the Executive Council in his discretion but would provide for appropriate representation of the various communities in the unofficial element of the Executive Council. This would be regulated as at present by convention. These members would be drawn from the elected members of the Legislative Council. In addition the Governor would be empowered to appoint not more than four official members of the Executive Council. The Constitution would provide that the Governor might at an appropriate time appoint members of the Executive Council to be Ministers with executive powers in certain fields of public business, and also Ministers without Portfolio. The Executive Council would be described as a Council of Ministers when Ministers were appointed.

Executive Council: Powers

40. The Governor would consult the Executive Council in the exercise of all his functions (except on trivial or urgent matters or where the public interest made it undesirable). He would not be required to consult in cases where he was specifically authorised or required by the Constitution to act in his discretion or on the advice of, or after consultation with, some other person or authority. He would in general act in accordance with the advice of the Executive Council but could act against such advice where he considered it necessary in the interests of public order, public faith or good government; in such cases he would be required to seek approval of the Secretary of State.

41. The Indian group of the Fiji delegation wished to record their view that the Governor should be required to act in accordance with the advice of the Executive Council, except where he considered that he should reject it in the interests of one of his special responsibilities. As explained in paragraph 6 above, one member of the Indian group (Mr. Singh) felt unable to support the other members of the group in proposing the immediate introduction of full internal self-government. He agreed with the other members of the Fiji delegation that it would still be necessary for the Governor to retain substantial discretionary powers.

42. Certain subjects would be reserved to the Governor in his discretion as his special responsibility. These would include defence, external affairs, internal security and the public service.

Prerogative of Mercy

43. To assist the Governor in his exercise of the prerogative of mercy, there would be an advisory committee presided over by the Governor himself and consisting of the Attorney-General (see paragraph 44), and between two and four other persons appointed by the Governor, one of whom would be a member of the Executive Council and another a medical practitioner. The Governor would be required to refer to the committee all capital cases and might refer such other cases as he thought fit. The advice of the committee would not be binding on the Governor.

Attorney-General

44. The Constitution would make it clear that the Attorney-General was ultimately responsible for the initiation, conduct or discontinuance of criminal prosecutions. If the office of Attorney-General became that of an unofficial Minister, the office of Director of Public Prosecutions would be established and the provisions of the Constitution relating to the Attorney-
General, as envisaged by this Report, would then apply to the office of Director of Public Prosecutions. In addition, the office of Solicitor-General would then be excluded from the jurisdiction of the Public Service Commission, and the Solicitor-General would take the place of the Attorney-General on the Judicial and Legal Service Commission (see paragraph 12) and also on the Advisory Committee on the Prerogative of Mercy (see paragraph 43).

**Important Public Offices**

45. The Constitution would provide for the security of tenure of office of the Director of Public Prosecutions and of the Judges of the Supreme Court and Court of Appeal, and would also safeguard (by charging on the Consolidated Fund) their emoluments as well as the emoluments of the Governor, the Attorney-General (see paragraph 44), the Chairman, and members of the Public Service Commission and other Commissions established in the Constitution and the Speaker of the Legislative Council.

**Finance**

46. The financial provisions in the Constitution would establish a Consolidated Fund into which all public revenues would be paid and out of which all expenditure would be met (except as provided specifically by local law). There would also be a Contingencies Fund. The Constitution would prescribe the appropriate procedure for scrutiny of expenditure by the Legislative Council.


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**APPENDIX**

**LIST OF THOSE ATTENDING THE CONFERENCE**


Mrs. Ethel White, M.P., Parliamentary Under-Secretary of State for the Colonies.

**British Delegation**

Sir Hilton Poynton, G.C.M.G.

Mr. Traphord Smith, C.M.G.

Mr. A. J. Faure, O.B.E.

Mr. K. W. S. Mackenzie, C.M.G.

Mr. H. Steele, O.B.E.

Mr. P. R. Noakes, O.B.E.

Sir Charles Hartwell, C.M.G.

Professor S. A. de Smith.

**Governor of Fiji**

Sir Derek Jakeway, K.C.M.G., O.B.E.

**Attorney-General of Fiji**

Hon. Justin Lewis, Q.C.

**Fijian Delegation**

Hon. Patu K. K. Mara, O.B.E.

Hon. A. D. Patel.

Hon. J. N. Falvey, O.B.E.

Hon. R. G. Kormode.

Hon. Patu K. K. Ganihau, D.S.O., O.B.E.

Hon. A. N. Dedi.

Hon. C. D. Anitave, D.F.C.

Hon. S. M. Koya.

Hon. J. Madhavan.

Hon. Patu E. T. T. Cakobau, O.B.E., M.C., E.D.

Hon. J. A. Moore.

Hon. Sembria K. Sikivou, M.B.E.

Hon. Patu G. K. Cakobau, O.B.E.

Hon. R. A. Kearsley.

Hon. F. G. Archibald.

Hon. C. A. Shah.

Hon. C. P. Singh.

Hon. Josua Rabukawaqa.

**Secretary**

Mr. C. B. Nixon.

Mr. D. O. McCready.

Mr. B. Miller.
5th July, 1963.

DESPATCH TO THE GOVERNOR OF FIJI FROM THE SECRETARY OF STATE FOR THE COLONIES

I have the honour to address you on the subject of the Conference on the constitutional future of Fiji which will open at Marlborough House on 26th July and in which all 18 Unofficial Members of the Legislative Council have been invited. As stated in my predecessor's despatch No. 388 of 15th August, 1963, the purpose of the Conference will be to work out a constitutional framework which will preserve a continuing link with Britain and within which further progress can be made in the direction of internal self-government in Fiji.

Since the despatch referred to was written, a number of important developments have taken place. First, there has been the introduction of the Membership system under which there are now Fijian, Indian and European Members concerned with Natural Resources, Social Services, and Works and Communications respectively. Second, there have been discussions between you and the Unofficial Members of Legislative Council, designed to clarify the issues which will be discussed at the Conference and to establish as wide an area of agreement locally as possible. Progress has also been made towards the evolution of a land policy which, while preserving Fijian rights of ownership, would give the tenant (whether Indian, Fijian or European) greater security of tenure than exists at present.

Finally Mrs. Elrene White, the Parliamentary Under-Secretary of State, has recently visited Fiji and had discussions with representatives of all communities on the basis of memoranda which had previously been submitted through you. These discussions have been of the greatest importance in helping me and my advisers to prepare for the Conference, and I should like to take this opportunity of thanking you and the people of Fiji for the friendly and hospitable reception given to Mrs. White during her visit and of assuring them that the views expressed to Mrs. White, whether orally or in writing, are receiving careful consideration in the Colonial Office, and will be fully borne in mind in the course of our deliberations at the Conference.

In accordance with the wishes of the majority of all communities, as expressed in previous local discussions and also in the memoranda submitted to Mrs. White and in discussion with her, the Conference will not be concerned with independence. I hope, however, that it will be possible, by building on the foundations already laid, to move towards a greater degree of internal self-government than at present exists in Fiji. With this in view I suggest that the Conference will need, amongst other things, to consider the development of the Membership system; a strengthening and broadening of the elected element in the Legislative Council; and matters affecting the franchise. The Conference will no doubt also wish to consider the adoption of certain generally accepted provisions designed to safeguard human rights, the public service and the judiciary. A paper describing the various possible lines of constitutional advance is being prepared in the Colonial Office. It will be available for delegates when they arrive.

I look forward with pleasure to meeting the delegates and trust that our joint deliberations will lead the Conference to fruitful conclusions and to a strengthening of the long and happy relationship between Fiji and Britain.