

CONFIDENTIAL

J.G. Punt (1)

Ref. A0779

PRIME MINISTER

These files give the answer to your query about the Amnesty provisions. Agree following L OAS (79) 40? Punt - 28/11

Southern Rhodesia: Zimbabwe Independence Bill

(OD(79) 40)

This memorandum by the Foreign and Commonwealth Secretary deals with the policy issues raised by the Zimbabwe Independence Bill which may be required very shortly. Cabinet on 1st November and OD on 5th November have already touched on the need for an Independence Bill to follow the interim Enabling Bill already passed. This is the first full exposition of the Independence Bill, including its potentially controversial provisions on citizenship and amnesty. The Bill cannot be introduced until the Lancaster House conference has concluded, e.g. in the weeks beginning 3rd or 10th December, but will then be very urgent. Legislation Committee agreed on 27th November that it should be given full priority once approved by OD, but unless the conference has secured agreement with the Patriotic Front the Opposition may make it difficult to secure the Bill before the Christmas Recess.

2. The Bill has been fully discussed at official level between Departments and in view of the urgency it is hoped that it can be agreed by Ministers out of Committee in the course of this week.

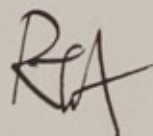
This will be very controversial

3. Of the potentially controversial aspects the extension by one year of the right of some Rhodesians to register as citizens of the United Kingdom and Colonies should be readily defensible. The amnesty in United Kingdom law for "political offences" (paragraph 8) and the amnesty in Southern Rhodesian law to be granted by the Governor (paragraph 9) are logical consequences of a settlement and are necessary for elections in Rhodesia. They should only be controversial if the settlement has not included the Patriotic Front but would then only be facets of the larger row over proceeding with independence in this situation, which OD has already accepted. (OD(79) 12th Meeting, 5th November.) The amnesty for sanctions offences (paragraph 10) could be controversial since it cannot equally be seen as necessary to promote reconciliation within Rhodesia. But it will have been preceded by an announcement of the finding by the Director of Public Prosecutions

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that there is no case to be brought against those oil executives pinpointed in the Bingham Inquiry and it is generally expected in the context of a settlement. If the settlement does not include the Patriotic Front, it will be an added strand in tense relations with President Kaunda in view of his demands for compensation for the damage done to Zimbabwe by sanctions and for the legal punishment of those responsible for breaches of sanctions. But this tension would exist in any case and does not seem a sufficient reason to hesitate over this amnesty. There would also be time for any second thoughts on this before the Order in Council is made at about the time the Independence Bill becomes law.

4. In view of the urgency you may wish to give early approval to the policy set out in OD(79) 40, subject to the views of other colleagues.



ROBERT ARMSTRONG

28th November, 1979