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9 August 1979

CABINET

RHODESIA

Memorandum by the Secretary of State for
Foreign and Commonwealth Affairs

1. I attach at Annex A the speech which the Prime Minister made in the debate on Southern Africa at Lusaka, and at Annex B the passage on Rhodesia in the communique to which we managed to secure agreement.
2. The agreement closely follows the line of our policy as set out by the Prime Minister in the House of Commons and in her speech to Heads of Government last week. Its main features are:-
 - a. Recognition by the Commonwealth that there is a new dimension in Rhodesia. President Nyerere drew particular attention to this in his own statement to the meeting. The change of attitude which the Prime Minister and I found in Lusaka is significant.
 - b. Total absence of condemnation of Bishop Muzorewa or of endorsement of the Patriotic Front - in complete contrast to the Resolution adopted at the Organisation of African Unity Summit only ten days before.
 - c. Commonwealth affirmation that it is Britain's constitutional responsibility to grant legal independence to Rhodesia on the basis of majority rule with appropriate safeguards for minorities, and Commonwealth agreement to work to that end and to help bring about a cessation of hostilities and an end to sanctions.
 - d. Agreement that it is for Britain to arrange supervision of fresh elections in Rhodesia. There would be Commonwealth observers, which is in our interest. There would be no international supervision.
3. The Prime Minister made clear in the House of Commons on 25 July that we intended to put forward firm proposals designed to bring Rhodesia to legal independence on a basis comparable to that on which we granted independence to other former British territories. This implied that we would seek changes in the constitution of the internal settlement which contains two features not found in any independence constitutions

granted by Britain; the blocking power of the whites (the Cyprus constitution of 1960 did give the minority community (ie the Turks) power to block certain constitutional amendments. But the constitution itself was not granted by Britain, and the population ratio was 70:30 (as against 97:3 in Rhodesia)), and the power given to the four Commissions controlling appointments to the Police, Armed Forces, Public Services and the Judiciary. It is these aspects of the constitution to which the Lusaka communique refers.

4. Our colleagues in the Defence and Oversea Policy Committee agreed before Lusaka that we should aim to discuss the form of a revised constitution at a constitutional conference in the classic decolonisation pattern. We would have preferred not to mention this in the Lusaka communique but changes in the constitution so clearly implied a constitutional conference that the Prime Minister and I agreed to the formula used, which protects the full authority of Cabinet. The communique also draws attention to the obvious fact that a government formed under an independence constitution would have to be chosen through new elections. Such elections are anyway essential to a settlement if it is to gain international acceptance and bring the war to an end.

5. I believe that we must now move quickly to take advantage of the agreement reached at Lusaka. We have been in close touch with Bishop Muzorewa throughout and he already knows, from his talks with the Prime Minister in London, what we have in mind. I therefore propose that I should issue invitations next week to the parties to the conflict to attend a constitutional conference at Lancaster House beginning on 4 September. At the same time, I shall give to the parties, and publish, a statement of our outline proposals for an outline constitution (draft at Annex C). The draft is designed to indicate an eventual independence constitution which:-

- a. would be comparable to the terms on which independence was granted to other Commonwealth countries in Africa;
- b. would offer enough protection to the whites to encourage them to stay; and
- c. would be in such terms that we could claim to the African Presidents and others that a refusal by the Patriotic Front to attend the constitutional conference or to work within the traditional framework of an independence constitution would be unreasonable and a proof of bad faith on their part.

6. I would intend to make a separate statement at the time the proposals were published, emphasising the importance we attach to enabling the white community to play a full part in the future of the country and holding out a firm promise of legal independence and the lifting of sanctions once the proposals are implemented.

7. I believe we should confine our initial presentation to the bare outline of the independence constitution. If we expose the full extent to which we were prepared to incorporate the substance of the existing constitution into our own proposals, we should give the Patriotic Front and their supporters in Africa a chance to claim that we were clearly aiming for a solution based on the internal settlement. It is very likely that, once they get to a conference, the Patriotic Front will reject our proposals. But we should not make it easy for them to claim that it is not worth their while attending the conference at all. This would only make it more difficult for us to demonstrate that it is their intransigence which is the main obstacle to a wider agreement.

8. The constitution we would put forward at the conference would be largely compatible with the existing Rhodesian constitution (a great deal of which is comparable to provisions contained in constitutions we have granted). But certain changes are essential if we are to carry world opinion (including United States and European Allies) with us. These are described in Annex D.

9. I invite my colleagues to agree that I should:-

a. issue next week invitations to a constitutional conference to begin on 4 September;

b. table for discussion at the Conference constitutional proposals along the lines described in Annex C;

c. begin now the varied preparatory work and consultations with the parties to the conference, with the Commonwealth and with our other friends and allies, which are necessary if we are to obtain the best possible psychological conditions in which to begin a conference.

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Foreign and Commonwealth Office

9 August 1979

STATEMENT BY THE PRIME MINISTER DURING THE OPENING DEBATE ON
SOUTHERN AFRICA, 3 AUGUST

I IMAGINE THAT IT IS ON THE QUESTION OF RHODESIA THAT MY
COLLEAGUES WILL WISH ME TO SPEAK SEMICLON AND I THEREFORE PROPOSE TO
CONFINE MY OWN INTERVENTION TO THAT SUBJECT.

THE PROBLEM OF RHODESIA HAS HUNG OVER THE COMMONWEALTH FOR MANY
YEARS. THE PRESENT TROUBLE BECAME IN 1965 WHEN THE THEN RHODESIAN
GOVERNMENT MADE THE ILLEGAL DECLARATION OF INDEPENDENCE.
THIS WAS FOLLOWED BY YEARS IN WHICH THE EFFORTS OF SUCCESSIVE
BRITISH GOVERNMENTS TO ACHIEVE A SETTLEMENT BASED ON THE WISHES
OF A MAJORITY OF THE PEOPLE OF RHODESIA WERE FRUSTRATED, YEARS
IN WHICH THE POLITICAL RIGHTS OF THE MAJORITY WERE DENIED.
THEN CAME THE WAR WHICH HAS BROUGHT GREAT HARDSHIP AND SUFFERING
BOTH INSIDE RHODESIA AND IN NEIGHBOURING COUNTRIES.

WHAT BEGAN AS A STRUGGLE BETWEEN THE WHITE MINORITY AND THE BLACK
MAJORITY HAS MORE RECENTLY TAKEN ON A VERY DIFFERENT DIMENSION.

THERE IS NOW AN AFRICAN PRESIDENT, AN AFRICAN PRIME MINISTER
AND AN AFRICAN MAJORITY IN PARLIAMENT.

THERE HAVE BEEN ELECTIONS IN WHICH FOR THE FIRST TIME THE AFRICAN
MAJORITY HAVE BEEN ABLE TO ELECT THE LEADERS OF THE GOVERNMENT.

THERE ARE THOSE WHO SEEM TO BELIEVE THAT THE WORLD SHOULD SIMPLY
GO ON TREATING BISHOP MUZOREWA AS IF HE WERE MR. SMITH.

BUT THE CHANGE THAT HAS TAKEN PLACE IN RHODESIA CANNOT BE DISMISSED
AS OF NO CONSEQUENCE.

/IT IS THE

IT IS THE BRITISH GOVERNMENT ~~CONFIDENTIAL~~ THAT WE MUST USE THE OPPORTUNITY
CREATED BY THE CHANGES WHICH HAVE TAKEN PLACE IN RHODESIA TO SEE
IF WE CAN NOW FIND THE SOLUTION WHICH HAS ELUDED US FOR SO LONG
AND TO BRING AN END TO THE WAR.

WE OWE IT TO THE PEOPLE OF RHODESIA TO DO ALL WE CAN, ALL OF US
TO HELP ALL OF THEM, TO RESOLVE THEIR POLITICAL DIFFERENCES PEACE-
FULLY RATHER THAN BY FORCE.

I SIMPLY DO NOT BELIEVE THAT THERE IS ANYTHING NOW DIVIDING THE
PEOPLE OF RHODESIA WHICH IS WORTH THE USE OF THE BOMB AND THE GO
TO KILL AND MAIM MEN, WOMEN AND CHILDREN BY THE THOUSAND, OR WHICH
CAN JUSTIFY THE MISERY OF THE HUNDREDS OF THOUSANDS IN REFUGEE CAMPS
IN THE CHANGES THAT HAVE NOW TAKEN PLACE WE SURELY HAVE THE BASIS
FROM WHICH TO TRY TO DEVELOP A SOLUTION WHICH WILL COMMAND GENERAL
INTERNATIONAL ACCEPTANCE.

AS YOU KNOW, ON THE BRITISH GOVERNMENT'S BEHALF, LORD HARLECH SAID
THE HEADS OF GOVERNMENT OF SEVEN AFRICAN STATES AND ALSO MR MUGABE
AND REPRESENTATIVES OF MR NKOMO.

RICHARD LUCE SAID THE GOVERNMENTS OF A FURTHER FIVE AFRICAN COUNTRIES
WE HAVE ALSO BEEN IN TOUCH WITH ALL OUR OTHER COMMONWEALTH FRIENDS
AS WELL AS WITH OUR EUROPEAN COMMUNITY PARTNERS AND THE UNITED
STATES. THE CONSULTATIONS WE HAVE HAD SO FAR HAVE BEEN OF GREAT
VALUE TO THE GOVERNMENT IN HELPING TO IDENTIFY WHAT THE SOLUTION
SHOULD BE. I SHOULD LIKE TO TAKE THIS OPPORTUNITY TO THANK
PERSONALLY ALL THOSE HEADS OF GOVERNMENT HERE TODAY WHO HAVE
HELPED US IN THIS WAY.

FROM OUR CONSULTATIONS CERTAIN COMMON FACTORS EMERGE CLEARLY.
THE STRONGEST IS THE VIEW THAT THE CONSTITUTION UNDER WHICH
BISHOP MUZOREWA HAS COME TO POWER IS DEFECTIVE IN
CERTAIN IMPORTANT RESPECTS.

I REFER OF COURSE TO THE PROVISIONS WHICH MAKE IT POSSIBLE
FOR THE WHITE MINORITY TO BLOCK, IN THE PARLIAMENT, CONSTITUTIONAL
CHANGES THAT WOULD BE UNWELCOME TO THEM.

THIS IS A VALID CRITICISM - SUCH A BLOCKING MECHANISM HAS NOT
APPEARED IN ANY OTHER INDEPENDENCE CONSTITUTION AGREED TO BY
THE BRITISH PARLIAMENT.

THE PRINCIPLE THAT THERE SHOULD BE SOME GUARANTEED REPRESENTATION
FOR MINORITY COMMUNITIES DURING A CERTAIN MINIMUM PERIOD FOLLOWING
THE TRANSFER OF POWER ON INDEPENDENCE IS NOT NEW - AND I THINK
WE ALL RECOGNISE THE IMPORTANCE TO RHODESIA OF ENCOURAGING THE
EUROPEAN MINORITY TO REMAIN AND TO CONTINUE TO PLAY A USEFUL
PART IN THE LIFE OF THE COMMUNITY.

BUT THAT IS A VERY DIFFERENT ~~CONFIDENTIAL~~ ENABLING THEM TO BLOCK

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THE OTHER MAIN CRITICISM OF THE CONSTITUTION RELATING TO THE COMPOSITION AND POWERS OF THE VARIOUS SERVICE COMMISSIONS IS ALSO VALID. IT IS CLEARLY WRONG THAT THE GOVERNMENT SHOULD NOT HAVE ADEQUATE CONTROL OVER CERTAIN SENIOR APPOINTMENTS.

THOSE CONSULTED ALSO CONSIDERED IT ESSENTIAL THAT THE SEARCH FOR A SOLUTION SHOULD INVOLVE THE PRESENT EXTERNAL PARTIES, SO THAT THEIR SUPPORTERS OUTSIDE THE COUNTRY MIGHT RETURN HOME IN PEACE AND PLAY THEIR FULL PART IN POLITICAL LIFE.

LASTLY, IN CONSIDERING THE CONSULTATIONS WE HAVE HAD SO FAR, I HAVE BEEN IMPRESSED BY THE GENERAL CONVICTION THAT ANY SOLUTION OF THE RHODESIA PROBLEM MUST DERIVE ITS AUTHORITY FROM BRITAIN AS THE RESPONSIBLE COLONIAL POWER.

THE INTERNATIONAL COMMUNITY HAS LOST FEW OPPORTUNITIES TO REMIND US THAT IT IS BRITAIN'S CONSTITUTIONAL RESPONSIBILITY TO BRING RHODESIA TO LEGAL INDEPENDENCE ON A BASIS OF JUSTICE AND DEMOCRACY FULLY COMPARABLE WITH THE ARRANGEMENTS WE HAVE MADE FOR THE INDEPENDENCE OF OTHER COUNTRIES.

WE ACCEPT THAT RESPONSIBILITY AND HAVE EVERY INTENTION OF DISCHARGING IT HONOURABLY.

MR CHAIRMAN, AS I MENTIONED EARLIER, THE CONSULTATIONS WE HAVE HAD WITH OUR COMMONWEALTH PARTNERS OVER THE LAST TWO MONTHS, AND INDEED WITH MANY OTHER GOVERNMENTS, HAVE BEEN MOST HELPFUL. WE HAVE LOOKED FORWARD TO THIS MEETING AS AN IMPORTANT STAGE IN THAT PROCESS OF CONSULTATION BEFORE WE DECIDE OUR POLICY AND INITIATE WHAT WE ALL PROFOUNDLY HOPE WILL BE THE FINAL APPROACH TO A SOLUTION.

I LOOK FORWARD VERY MUCH TO HEARING ANY FURTHER VIEWS OF COLLEAGUES HERE: BUT YOU WILL HAVE GATHERED THAT WE THINK WE CAN BEGIN TO SEE THE FORM THAT AN ATTEMPT AT A SOLUTION OUGHT TO TAKE.

/LET ME

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LET ME THEREFORE, BEFORE THIS DEBATE CONTINUES, MAKE CERTAIN
ABOUT THE BRITISH POSITION QUITE CLEAR.

(I) THE BRITISH GOVERNMENT ARE WHOLLY COMMITTED TO
GENUINE BLACK MAJORITY RULE IN RHODESIA:

(II) WE ACCEPT THAT IT IS OUR CONSTITUTIONAL RESPONSIBILITY
TO GRANT LEGAL INDEPENDENCE ON THAT BASIS AND THAT ONLY
BRITAIN CAN DO IT:

(III) WE ACCEPT THAT OUR OBJECTIVE MUST BE TO ESTABLISH
THAT INDEPENDENCE ON THE BASIS OF A CONSTITUTION
COMPARABLE WITH THE CONSTITUTIONS WE HAVE AGREED WITH
OTHER COUNTRIES:

(IV) WE ARE DEEPLY CONSCIOUS OF THE URGENT NEED TO BRING
PEACE TO THE PEOPLE OF RHODESIA AND HER NEIGHBOURS:
WE WILL THEREFORE PRESENT OUR PROPOSALS AS QUICKLY
AS POSSIBLE TO ALL THE PARTIES, AND AT THE SAME TIME
CALL ON THEM TO CEASE HOSTILITIES AND MOVE FORWARD
WITH US TO A SETTLEMENT.

OUR AIM IS, AS I STATED IT DURING OUR OPENING SESSION, TO BRING
RHODESIA TO LEGAL INDEPENDENCE ON A BASIS WHICH THE COMMONWEALTH
AND THE INTERNATIONAL COMMUNITY AS A WHOLE WILL FIND ACCEPTABLE

I BELIEVE THAT WE NOW HAVE A CHANCE TO ACHIEVE THIS, AND WE MUST
TAKE IT.

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COMMONWEALTH HEADS OF GOVERNMENT MEETING

ANNEX B

COMMUNIQUE - RHODESIA

1. Heads of Government had a frank discussion on the current problems of Southern Africa and their implications for the Commonwealth and the wider international community. While recognising that certain developments since their Meeting in London have added new dimensions, they remained concerned by the potential dangers inherent in the existing situation. They therefore stressed the urgent need for finding satisfactory solutions to the remaining problems of this region.

2. In relation to the situation in Rhodesia, Heads of Government therefore:

- a. confirmed that they were wholly committed to genuine black majority rule for the people of Zimbabwe;
- b. recognised, in this context, that the internal settlement constitution is defective in certain important respects;
- c. fully accepted that it is the constitutional responsibility of the British Government to grant legal independence to Zimbabwe on the basis of majority rule;
- d. recognised that the search for a lasting settlement must involve all parties to the conflict;
- e. were deeply conscious of the urgent need to achieve such a settlement and bring peace to the people of Zimbabwe and their neighbours;
- f. accepted that independence on the basis of majority rule requires the adoption of a democratic constitution including appropriate safeguards for minorities;
- g. acknowledged that the government formed under such an independence constitution must be chosen through free and fair elections properly supervised under British Government authority, and with Commonwealth observers;
- h. welcomed the British Government's indication that an appropriate procedure for advancing towards these objectives would be for them to call a constitutional conference to which all the parties would be invited; and
- i. consequently, accepted that it must be a major objective to bring about a cessation of hostilities and an end to sanctions as part of the process of implementation of a lasting settlement.

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RHODESIA: OUTLINE OF PROPOSALS FOR AN INDEPENDENCE CONSTITUTION

1. Zimbabwe will be in independent sovereign state in which all citizens will enjoy equal rights under the law.
2. There will be a "constitutional" Head of State.
3. The Head of Government will be the Prime Minister, who will be a member of the House of Assembly having the support of a majority in that House. Power to appoint and dismiss Ministers will be exercised in accordance with the advice of the Prime Minister.
4. Parliament will consist of a Senate and a House of Assembly. The Senate will be indirectly elected, and a majority of its members will be Africans. It will have power to delay but not block bills passed by the House of Assembly. The House of Assembly will be directly elected by universal adult suffrage.
5. For a specified minimum period after independence the House of Assembly will contain a minority of seats reserved for representatives to be elected by the European community. The proportion of these seats to the total number of seats in the House will be a matter for discussion between the British government and the Rhodesian parties.
6. Parliament will have power to amend the constitution, which will prescribe procedures to be followed for effecting such amendments on lines similar to those contained in other independence constitutions granted by Britain.
7. The constitution will protect the independence of the judiciary.
8. Under the law, public servants will carry out the instructions of Ministers. Power to appoint, dismiss and discipline members

/of

of the public service will be vested in an independent Public Service Commission. The Constitution will protect the pension rights of public servants.

9. The Commanders of the Police Force and the Defence Forces will act in accordance with general policy directives given by the Prime Minister or other responsible Minister. The Police Commissioner and each Defence Force Commander will be responsible for the administration and operational control of their forces. There will be independent Service Commissions for the respective forces which will have prescribed powers in the disciplinary and establishment fields.

10. The Public Service Commission, and the other Service Commissions, will be appointed on a basis, and with terms of reference, which will take due account of the need to preserve a high standard of efficiency and which also recognise the legitimate claims of the majority of the population to increasing representation in all forms of public office. The power to make certain senior appointments in the Public Service and other services will be vested in the Prime Minister, acting after consultation with the appropriate Commission.

11. There will be a fully justiciable Declaration of Rights and an independent official to assist in its enforcement.

THE RHODESIAN CONSTITUTION

1. The areas of the Rhodesian Constitution which have been most widely criticised are:
 - a. the extent of white representation in Parliament and the power of the white representatives to block legislation acting on their own; and
 - b. the membership and terms of reference of the defence and public service commissions, which at present inhibit even gradual Africanisation.

Our objective will be to achieve changes which would not undermine the confidence of the white community, but would render the Independence Constitution defensible to international and democratic opinion and more comparable to those we have agreed in granting independence to certain other African countries.

WHITE REPRESENTATION IN PARLIAMENT

2. Special representation of white and other minorities in Parliament - at least for a limited period after independence - is acceptable in principle to much African opinion; and there are precedents elsewhere in the Commonwealth. Thus in Tanganyika out of the 71 seats in the then existing National Assembly which was continued in office at independence, 10 were reserved for Europeans and 11 for Asians. This arrangement lasted for the remainder of the life of that National Assembly and was then replaced by provision for up to 10 additional nominated members who included Europeans and Asians. Similar arrangements were made for Zambia where, for the remainder of the life of the existing National Assembly which was continued in office at independence, 10 out of 75 members had been elected by Europeans on a "reserved roll". Thereafter, there was provision for up to 5 additional nominated members. In Kenya there was no express reservation of seats for racial minorities, but 12 out of 117 seats in the Lower House were specially elected by the constituency members sitting as an electoral

/college.

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college. This was designed to achieve, and did achieve, the election of Europeans. (There was no comparable provision in Nigeria, which had no permanent non-indigenous population of any size; minority interests - essentially tribal and regional - were supposed to be protected by the federal structure of the Constitution).

3. Under the present Rhodesian Constitution, the whites have the power, acting on their own, to block a wide range of constitutional and other bills. They have 28 seats out of 100 in the Lower House and a very wide variety of bills, not restricted to those involving constitutional amendment, require a positive vote of 78 members before they can become law. This situation is without parallel elsewhere.

4. Criticism of it could be met in several ways, alone or in combination, eg:

- a. the majority required to pass the bills in question could be reduced so that the Europeans no longer had a blocking power by themselves;
- b. the number of white seats could be reduced. (But to curtail the blocking power this would need to be accompanied by a reduction in the required majority, as at (a), or by an increase in the black seats, as at (c);
- c. the number of black seats could be increased to give them the required majority; or
- d. the range of bills required to be passed by the required majority could be restricted.

5. We suggest that we might aim for:

- a. 20 white seats in a lower house of 100, with 70 or at most 75 votes to be required for major measures (ie those dealing with specially entrenched sections of the Constitution); or

/b.

- b. 28 seats in a house of 120, with 80 or 85 votes required for major constitutional measures.

POWERS OVER THE PUBLIC SERVICES AND DEFENCE FORCES

6. Under the present arrangements there are independent Commissions and similar Boards controlling appointments to, and removals from, the public service, the police force, and defence forces and the judiciary. The qualifications for membership of the Commissions and Boards are such that Europeans will have a controlling voice in them for many years. This, coupled with the terms of reference of the Commissions, will inhibit even gradual Africanisation of the senior ranks of the defence and public services and of the judiciary in the foreseeable future. We know that Bishop Muzorewa wished to appoint an African to succeed the Cabinet Secretary, but was unable to do so in the face of opposition from the Public Service Commission. Nor was he able to appoint an African as Deputy Secretary. There is a need for simple amendments to attenuate the European dominance of the various Commissions, to open up the way for progressive Africanisation and to give the Prime Minister power over the selection and retention of his senior officials and service commanders (subject to consultation with the appropriate Service Commission).

OTHER MATTERS

7. Changes in other areas are less essential. But the present Constitution makes a coalition government obligatory for the life of the first Parliament and entitles every group with more than five MPs to automatic representation in the Cabinet. The Prime Minister has to accept the parties' nominees for the Cabinet seats: he has no power to dismiss a Minister. Bishop Muzorewa is already finding these requirements irksome. There may be a need for changes in the constitutional requirements in this area, without prejudice to the political desirability of a coalition government on more normal terms.

8. There are other areas of the Constitution where improvements, though not essential, may be desirable - eg to make it easier to acquire land (with adequate compensation for existing owners) for settlement by Africans.