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CC(79)62
TWENTY-EIGHTH PLENARY SESSION

COPY NO: 89

CONSTITUTIONAL CONFERENCE
LANCASTER HOUSE
LONDON

Summary of the proceedings of the Twenty-Eight
Plenary Session of the Conference, Wednesday
7 November 1979.

Lancaster House
7 November 1979

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PRESENT:

UK Delegation

Lord Carrington (in the Chair)

Sir I Gilmour Bt

Mr D M Day

Mr R W Renwick

Mr P R N Fifoot

Mr G G H Walden

Mr C D Powell

Mr R D Wilkinson

Mr C R L de Chassiron

Mr S J Gomersall

Mrs A J Phillips

Mr M C Wood

Mr Mugabe, Mr Nkomo and Delegation

Mr R G Mugabe

Mr S V Muzenda

Mr J M Tongogara

Mr E R Kadungure

Dr H Ushewokunze

Mr D Mutumbuka

Mr E Zvobgo

Mr S Mubako

Mr W Kamba

Mr J M Nkomo

Mr J W Msika

Mr T G Silundika

Mr A M Chambati

Mr L Baron

Mr S K Sibanda

Mr W Musarurwa

Mr D N Madzimbamuto

Miss E Siziba

Bishop Muzorewa and Delegation

Dr S C Mundawarara
Mr E L Bulle
Mr F Zindoga
Mr D C Mukome
Mr G B Nyandoro
Mr L Nyemba
Chief K Ndiweni
Mr Z M Bafanah
Mr D C Smith
Mr R Cronje
Mr C Andersen
Dr J Kamusikiri
Mr G Pincus
Mr L G Smith
Air Vice Marshal H Hawkins
Mr S V Mutambanengwe
Mr M A Adam
Mr I P Claypole

Secretariat

Mr J M Willson

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The session opened at 16.38.

THE CHAIRMAN delivered a statement which was subsequently circulated as Conference paper CC(79)63. He asked whether he could have the reaction of the Patriotic Front delegation to the British proposals presented to the Conference on Friday 2 November (CC(79)56). MR MUGABE said that his delegation would wish to react to the statement which the Chairman had just made, and to examine the Enabling Bill. He would have preferred to have had some idea of its content before it had been tabled in Parliament. Did it only cover matters already agreed at the Conference, or were the British trying to legislate in advance of agreement being reached?

THE CHAIRMAN said that what had been tabled was an Enabling Bill which would enable the British Government to take certain action in certain circumstances by means of Orders in Council; these latter were, broadly speaking, subject to affirmative resolution of Parliament. The Orders in Council would put into effect such matters as the Independence Constitution and the transitional arrangements. The Enabling Bill did not pre-empt any decisions which might be taken at the Conference. The Conference had to come to a conclusion before too long and it was important that the British Government should have on the statute book legislation which would enable the agreement reached to be put into operation. There was at that moment no legislation on the Statute Book which would enable this to be done. It was felt to be right to put the Bill before Parliament at that stage.

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It would give the government power to make an Independence Constitution, the power to make arrangements for elections and the power to appoint a Governor with executive powers.

MR MUGABE said that the Patriotic Front had not yet reached agreement on the position of the Governor in respect of both executive and legislative powers but the British had tabled a Bill assuming that agreement had been reached.

THE CHAIRMAN said that the purpose of the Bill had been misunderstood; it would give the British Government power to do certain things but the actual details of the powers of the Governor would be contained in an Order in Council, not in the Bill. The Chairman concluded by saying that he was still waiting for the Patriotic Front's response to the proposals presented on 2 November. MR MUGABE said that the Bill had been tabled and Sir Ian Gilmour had made a statement in Parliament. He asked whether it would be possible for his delegation to have a copy of both. THE CHAIRMAN said that as soon as the Bill had been published he would make copies available; to do so before this would be a breach of Parliamentary privilege.

MR NKOMO said that he supposed that the timing of the Bill was deliberate to put pressure on his delegation. He felt this was the wrong time for the Bill. The matters contained in the British proposals of 2 November were very complex and serious and they had had to look at each section in detail; that was why it had taken a long time. Now that they had the chance to achieve their aims they did not want to find that they had missed the opportunity to make certain points.

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They took the British paper very seriously and would provide an answer in the form in which Conference matters were usually handled. THE CHAIRMAN said that there had been exhaustive discussions on the same subjects over and over again, and he had still had no answer. Matters had been discussed which had very little relation to the British paper.

MR NKOMO said he was surprised that the Chairman had said that the matters discussed had no relation to the British paper of 2 November. All these matters were important to the independence of Zimbabwe, and people's lives were at stake. His delegation wanted to get away from the Conference, but not without matters being settled. He asked the British delegation not to put unnecessary pressure on them.

THE CHAIRMAN said that he did not think that it could be said that his delegation had been impatient. The Salisbury delegation had found it possible to accept the transitional arrangements on 5 November; this had entailed some difficult decisions for them. There was no doubt that the decisions to be taken by Mr Mugabe and Mr Nkomo's delegation were also difficult, but in the last few days nothing new had been heard. The Conference had now been meeting for 9 weeks and the war was still going on.

The Chairman repeated that he understood the difficulties, but that he nevertheless felt that he had to press the Patriotic Front delegation for an answer. MR NKOMO replied that the British delegation would receive one. MR MUGABE said that it was necessary to see the provisions of the Enabling Bill before answering; his delegation had also needed to see the British
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reply regarding the vital areas of power. They needed to know that the assumption of power by Britain during the interim period would not prejudice the Patriotic Front. Men at the top of the institutions of power were opposed to the Patriotic Front. His delegation could not trust the Governor; they had been disappointed when they had done so before 1965.

THE CHAIRMAN commented that a totally different sort of Governor was now being proposed. He recalled the series of questions and answers since 2 November, and said that going over these questions and answers repeatedly was not productive. There had been nothing new over the last three days. The Salisbury delegation had provided an answer, but not the Patriotic Front.

MR MUGABE said that the Patriotic Front delegation would provide an answer in accordance with the principles they held. His delegation had had to be sure that the Chairman's answers that day were final and that his delegation understood the provisions of the Enabling Bill. THE CHAIRMAN interjected that the latter did not alter things: the interim arrangements would be made under Orders in Council and what happened under the latter would have been agreed by all. MR MUGABE reiterated that the Bill still had to be studied: the implications might be far reaching.

THE CHAIRMAN promised to provide delegations with copies of the Enabling Bill straight away that evening. He asked

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the Patriotic Front delegation for answers the following day:
if not, he did not know how he would proceed with the
Conference. MR MUGABE said that if the Patriotic Front delegation
could receive the Enabling Bill straightaway they would
provide an answer the following day.

THE CHAIRMAN concluded by saying that he would expect the
answer the following afternoon.

The session adjourned at 17.10.

- 5 -

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