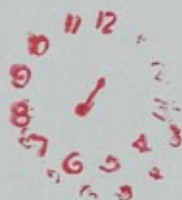


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and others, but it is contested by the Patriotic Front who argue that it interferes with the sovereignty of Parliament and legitimate areas of government policy such as land settlement. We shall take the line that the Declaration protects the rights of all citizens, not just the minority, and is fully justiciable.

- c) The Executive: We have not accepted the Patriotic Front argument that there should be an Executive President.
- d) Senior Appointments: The Prime Minister of independent Zimbabwe will have the final say on senior appointments. But we have agreed that, in normal circumstances, recommendations would come forward from the appropriate Commission or selection board and that, where the Prime Minister decided instead to put forward a candidate of his own choice, Parliament would be informed. This is to reassure the public services that arbitrary changes will not be made. In the case of the Chief Justice, since he would have security of tenure once appointed, we have provided that if the Prime Minister decided not to accept the candidate recommended by the appropriate Commission, then Parliament must be informed before the appointment is made. Before deciding to change a Service Commander or the Police Commissioner the Prime Minister would be required to consult the Cabinet (and the matter would subsequently be reported to Parliament).
- e) The Commissions: All appointing bodies would be required to select the most efficient and suitable candidate for a post, but would also be subject to a general direction from the President to achieve a suitable representation of different sections of the population. This would permit a policy of gradual Africanisation.
- f) Parliament: Our proposals here provide for 20% of the seats in the House of Assembly to be reserved to the white community. This would be amendable only by a unanimous vote in the House of Assembly for seven years; and would be carried forward thereafter, subject to the normal procedure for constitutional amendment. The majority required to amend any clause of the Constitution has been confirmed at 70%. The Senate has been made more representative by an increase in its size (Muzorewa attached particular importance to this); and its delaying power for ordinary legislation has been reduced.
- g) Pensions: These are protected under the Constitution by providing that any public officer has the right to a pension at the most favourable rate applying during his period of service. The right to remit pensions abroad is also guaranteed. The Patriotic Front can be expected to react strongly against this on the grounds that it is

/ unreasonable



unreasonable to expect the new State to pay the pensions of servants of the illegal regime. Both sides have, for different reasons, pressed HMG to guarantee public service pensions. We have refused on the grounds that we have never done so for a local colonial service and cannot accept expenditure on the scale involved, even on a contingency basis, as a fair charge on the British taxpayer.

These proposals are based on those which we put to the Salisbury administration in August. The Salisbury delegation have also agreed to some shortening of the Constitution. In other respects we have been able to take account of their concerns, for instance by providing that if the Prime Minister selects an outsider for a senior appointment, the matter will be reported to Parliament.

Lord Carrington intends to present the proposals to the Conference as the Constitution which the British Government is prepared to invite Parliament to enact. He will invite both sides to let him know whether they can accept the proposals by next Monday, so that the Conference can move on to the next phase of its business. The Patriotic Front are likely to protest that they are being stampeded and may produce proposals of their own. Lord Carrington proposes to take the line that we would have been willing to accept alternative proposals on which both sides could agree; but it has become clear that there is no basis for such agreement and, after a month of discussion, we must ourselves lay down what we believe to be the basis for solution.

It is not clear whether the Patriotic Front will accept a Constitution on these lines. They will strongly criticise the provisions for citizenship, pensions, land for agricultural settlement and the entrenchment of the Declaration of Rights. But they could find themselves in considerable difficulty if the Conference breaks down on their rejection of constitutional proposals which, to any reasonable observer, mark an enormous advance on any previous attempt to achieve a constitutional settlement for Rhodesia.

I am sending a copy of this letter and enclosure to the Private Secretaries of members of OD, and to the Private Secretary of the Attorney General.

Yours sincerely
Roderic Lyne

R M J Lyne
 Private Secretary