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CC(79) 29

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THIRTEENTH PLENARY SESSION

CONSTITUTIONAL CONFERENCE
LANCASTER HOUSE
LONDON

Summary of the proceedings of the
Thirteenth Plenary Session of the
Conference, Friday 19 October

Lancaster House
19 October 1979

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PRESENT:

UK Delegation

Lord Carrington (in the Chair)

Sir I Gilmour Bt

Mr R Luce

Sir A Duff

Mr D M Day

Mr P R N Fifoot

Mr N M Fenn

Mr G G H Walden

Mr C D Powell

Mr R D Wilkinson

Mr S J Gomersall

Mrs A J Phillips

Mr M C Wood

Bishop Muzorewa and Delegation

Bishop A T Muzorewa
Dr S C Mundawarara
Mr E L Bulle
Mr F Zindoga
Mr D C Mukome
Mr G B Nyandoro
Rev N Sithole
Chief K Ndiweni
Mr Z M Bafanah
Mr I D Smith
Mr D C Smith
Mr R Cronje
Mr C Andersen
Dr J Kamusikiri
Mr L G Smith
Air Vice Marshal H Hawkins
Mr D Zamchiya
Mr S V Mutambanengwe

Mr Mugabe, Mr Nkomo and Delegation

Mr J M Nkomo

Mr T G Silundika

Mr A M Chambati

Mr John Nkomo

Mr L Baron

Mr S K Sibanda

Mr E Mlambo

Mr W Musururwa

Miss T Siziba

Mr R G Mugabe

Mr E Z Tekere

Mr J M Tongogara

Mr H Ushewokunze

Mr D Mutumbuka

Mr J Tungamirai

Mr E Zvobgo

Mr S Mubako

Mr W Kamba

Secretariat

Mr J M Willson

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The session started at 10.35.

THE CHAIRMAN opened the meeting by asking Mr Mugabe and Mr Nkomo's delegation whether they had anything to communicate.

MR MUGABE said that, following their meeting with Lord Carrington the day before, his delegation had a statement which they would circulate after the meeting. He then read the statement, subsequently circulated as Conference Paper CC(79)30.

THE CHAIRMAN thanked Mr Mugabe and Mr Nkomo for their statement, which they had shown to him the day before. He then apologised over a misunderstanding which had taken place the previous night in connection with a press briefing given by Mr Fenn, who had been anxious not to misrepresent the position of Mr Mugabe and Mr Nkomo's delegation and had therefore quoted part of the statement.

The Chairman then suggested that the Conference turn to the transitional or interim arrangements, now that all the delegations had given their assent in their own way to the Independence Constitution, subject to satisfactory arrangements for the interim period. This was a very major step forward and he congratulated the other delegations on the readiness to compromise which they had shown. The Conference now had to decide how to bring the Constitution into operation. The Independence Constitution would provide for the legislature and the executive of Zimbabwe to derive their authority and powers from an

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expression of the popular will through an election. In other words, a legislature and an executive would be constituted in terms of the Independence Constitution as soon as elections had taken place. The Chairman then went on to refer to the war in Zimbabwe Rhodesia and to say that it would be no easy task to devise arrangements to bring it to an end, and to enable elections to be held. It was asking a great deal of both sides to accept and maintain a cease-fire, and to agree to compete instead by political means for the support of the people - and to agree to abide by the people's verdict, whatever it may be.

These difficulties, however, should not deter the Conference. As he had said when he opened the Conference on 10 September, if agreement could be reached there would be an end to the war, and Rhodesia would proceed to legal independence with a government formed by whichever parties and whichever leaders could show that they commanded the confidence of the people. The Chairman said he had no doubt at all that what the people of Rhodesia wanted was an end to the war and a chance to resolve their differences by political means, and that this was also the wish of neighbouring countries. He reminded the Conference again of the extent of international support which would be forthcoming for a solution on these lines.

In working out the Independence Constitution, delegates had been guided by the principle of genuine majority rule, with appropriate safeguards and reassurances for minorities. In discussing how to implement that Constitution, he suggested

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starting with the position which was agreed with all Commonwealth governments at Lusaka - that there had to be free and fair elections, properly supervised under the British Government's authority, with Commonwealth observers present. If agreement could be reached on that basis, the foundation would be laid for an end to the war, and for Rhodesian independence with the widest international support. This did not mean that any proposals which the delegations wished to make in connection with the pre-independence arrangements would be excluded. Progress was most likely to be made if the central issue were considered first, that is the manner in which the people of Rhodesia could be enabled to decide for themselves the government they wanted, under the terms of the Independence Constitution - ie the elections.

The Chairman hoped that the delegations would state their positions concerning what he had said and would then be prepared to address themselves first to the question whether they were prepared to accept the agreement reached at the Commonwealth Heads of Government meeting at Lusaka - that free elections should be held in which all parties should be able to participate, and which should be supervised under British Government authority.

MR NKOMO asked for clarification of the term "British Government authority". THE CHAIRMAN said that this referred to their responsibility for the conduct and supervision of the elections. MR MUGABE then referred to the proposals put forward earlier by his delegation (Conference Paper CC(79) 16) and added that the Conference would no doubt have studied these. His

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delegation would first wish to see the British views in writing in order to consider them.

THE CHAIRMAN said that he thought there should first be a preliminary discussion, and asked the Bishop for his views. BISHOP MUZOREWA said that free and fair elections had already been held in Zimbabwe Rhodesia. The Lusaka Communique had, however, called for another election, which his government had reluctantly accepted so that all the people of Zimbabwe could be included in the independence process. The new elections would be supervised by the British Government. If Mr Mugabe and Mr Nkomo's delegation were talking about their earlier paper (CC(79) 16), his delegation's view was that it was totally unacceptable as a way of achieving independence. DR MUNDAWARARA added that there had already been elections in Zimbabwe which his government would have to put aside. His delegation could not be expected to say how new elections should be held. This was up to the British Government. Zimbabwe Rhodesia had already gone through a transitional period and his delegation were now thinking of how to implement the British proposals for an Independence Constitution which they had accepted.

THE CHAIRMAN acknowledged the progress represented by the elections already held; he was grateful to Bishop Muzorewa's delegation for restating their position, and for their willingness to participate in elections under British Government authority. He then set out a number of points about the elections. The British delegation considered that the interim period should be
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long enough to organise free and fair elections, leading to independence as soon as possible. If it were too long, any cease-fire might break down and he thought a period of 2 months would therefore be appropriate. There were certain prerequisites: there had to be impartial administration of the elections, freedom of political activity during the interim period and free and uncensored access to the media for all parties. It would be for Britain to ensure that these conditions prevailed. The election arrangements would be supervised by the British Government through an Election Commissioner; he and his staff would be responsible for arranging everything in connection with the elections. It had been agreed at Lusaka that they were a British responsibility, and Commonwealth observers would provide the international element. A cease-fire was essential.

All parties had to be satisfied that the elections would be conducted impartially. To ensure this an Election Council would be set up, on which all parties would be represented and the Election Commissioner would be Chairman. The Council would consider complaints, but would not have executive authority.

The elections would be conducted according to the Independence Constitution. Full voter registration would not be possible, as this would take a year or more, but measures would be necessary to prevent voting frauds. The British delegation did not think delimitation of constituencies would be possible in the time available, and party lists would therefore be prepared on a regional basis. The choice of countries from which

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the Commonwealth observers would be drawn was a matter for political negotiation between the parties and the Commonwealth.

The Chairman then asked for comments. MR NKOMO asked for a document setting out the British proposals. THE CHAIRMAN then asked for comments from the other delegation.

DR MUNDAWARARA confirmed that his delegation would also like a document to study.

After some discussion, THE CHAIRMAN said that he had thought that both visiting delegations would have preferred a general discussion of the interim arrangements. If, however, they wanted to see the proposals on the table first, he would arrange for a document to be circulated as soon as possible.

It was agreed to adjourn until this could be done.

The session ended at 11.01.