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NOTE OF A MEETING HELD IN THE PRIME MINISTER'S ROOM
IN THE HOUSE OF COMMONS AT 2130 ON TUESDAY, 6 NOVEMBER 1979

Present: Prime Minister The Rt. Hon. James Callaghan, MP
 Lord Privy Seal The Rt. Hon. Peter Shore, MP
 Mr. C.A. Whitmore The Rt. Hon. John Morris, QC MP

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Mr. Callaghan said that he and his colleagues were grateful to the Prime Minister for being ready to see them to discuss the draft Enabling Bill on Rhodesia which she had sent him earlier in the day. He was bound to tell the Prime Minister that he saw no prospect of the Government proceeding on the bill in the way they were proposing. He said this not because he wished to oppose what the Government wanted to do just for the sake of opposition: on the contrary, he wished to be helpful in what he knew were difficult circumstances and to see the bill go through quickly. But he thought that the Government's judgement was wrong on both procedural and political grounds. It was a procedural mistake to ask the House of Commons to consider the Enabling Bill when it had had no report on the progress of the Lancaster House conference presented to it. In similar circumstances in the past it had been the practice for the Government to publish a White Paper setting out the proposed constitution for the territory that was about to become independent before the House was asked to pass the necessary legislation. The Government was now asking the House to pass a bill which would subsequently allow the Government to make a constitution by Order in Council, but the House had no knowledge of the provisions of the constitution. He urged the Government to publish a White Paper on the draft constitution in the form in which it had been agreed so far at the Lancaster House conference. Members of the House should then be allowed to reflect and to consult before they were asked to pass the Enabling Bill. He had to warn the Government that the Labour Party would take it very amiss if the Government went ahead with its plans to make a statement the following day/^{and} to pass the bill through all its stages on Thursday.

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The Prime Minister said that it should be borne in mind that the way in which the new constitution for an independent Rhodesia had been drawn up was very different from the circumstances in which constitutions for other dependent territories had been arrived at. The Lord Privy Seal said that he understood the procedural point which the Leader of the Opposition was making but the fact was that the constitution was no longer controversial. It had now been agreed with both Bishop Muzorewa's delegation and the Patriotic Front, subject to agreement being reached on the pre-independence arrangements, and our allies and the Front Line states had had nothing but good to say about it. Moreover, its provisions had been widely known for some time. The constitution was not yet cast in legal terms but he was ready to arrange for it to be published, as it stood at present, the following afternoon.

Mr. Callaghan said that he believed that the bill was also premature in political terms. The House was bound to ask why the bill was needed now when the detailed transitional arrangements for Rhodesia had still to be agreed at Lancaster House. He thought that by proceeding with the bill at this stage the Government might find that the effect on the conference was adverse. If the Government tried to take the bill on Thursday, as they were planning to, and there was an enormous row in the House, what impact would this have on Lancaster House? He believed that the Government would have a much better chance of getting the bill through with less difficulty if it was taken on Monday of the following week and not Thursday.

The Prime Minister said that the bill was needed on Thursday because the proceedings at Lancaster House were on a razor's edge. The Government had delayed introducing the bill to the last possible moment in order to get as much agreement as possible at the conference but they had to move now. The bill did two things. First, it would give the Government powers, which it did not have under the 1965 Act, to make a new constitution, to arrange

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elections and to appoint a governor with legislative and executive powers. These provisions were constructive and forward looking. Second, the 1965 Act would expire on 15 November, and the new bill would carry forward those Orders which needed to be continued but which would otherwise lapse. This meant that the Government had to have the new bill enacted by midnight on Wednesday 14 November. If there was a gap between the expiry of the 1965 Act and the coming into force of the new bill, unforeseeable legal difficulties might arise. If the Government had a guarantee that the Commons would complete all stages of the bill by Monday so that the bill could go to the Lords on Tuesday, it could accept that timetable. But nobody could in practice give such a guarantee. It was for these reasons that the Government proposed to take the bill through all its stages in the Commons this week.

Mr. Shore said that the only constraint on the Government at present was the imminent expiry of the 1965 Act. It did not seem to him that there was any hurry about giving the Government the powers it needed for other purposes such as the appointment of the governor and the holding of elections. The House would want a major debate on the constitution and the transitional arrangements in due course, and there was no need to face it with the abrupt timetable the Government was seeking to follow. The reaction of the House was bound to be strong. Mr. Callaghan added that the Lord Privy Seal was bound to be asked during his statement the following day what the Government proposed to do about sanctions, and his answer would largely determine how easily the bill got through the Commons.

The Prime Minister said that she wished to emphasise that the bill was only an enabling one. It did not of itself make provision for the constitution. That would require an Order subsequently and there would no doubt be a debate on it. Given

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that the bill did no more than carry forward certain existing powers and give the Government new powers which were needed to implement pre-independence arrangements which had been agreed at the conference, it was difficult to see why the Opposition should object to it. She urged them to think of the consequences for the conference if the Government did not get the bill. The overriding objective was to keep both sides at Lancaster House and to try to bring them to an agreement. With this in mind the Government was obliged to stick to its plan to take the bill through all its stages in the Commons on Thursday.

CAW

7 November 1979

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