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TWENTY-THIRD PLENARY SESSION

CONSTITUTIONAL CONFERENCE
LANCASTER HOUSE
LONDON

Summary of proceedings of the Twenty-Third
Plenary Session of the Conference, Wednesday
1 November 1979.

Lancaster House
1 November 1979

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UK Delegation

Lord Carrington (in the Chair)

Sir I Gilmour Bt.

Mr R Luce

Sir J Graham

Mr D M Day

Mr R W Renwick

Mr P R N Fifoot

Mr N M Fenn

Mr G G H Walden

Mr C D Powell

Mr S J Gomersall

Mrs A J Phillips

Mr M C Wood

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Bishop Muzorewa and Delegation

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

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Mr Mugabe, Mr Nkomo and Delegation

Mr J M Nkomo	Mr R G Mugabe
Mr J W Msika	Mr S V Muzenda
Mr T G Silundika	Mr J M Tongogara
Mr A Chambati	Mr H Ushewokunze
Mr L Baron	Mr J Tungamirai
Mr S K Sibanda	Mr E Zvobgo
Mr W Musururwa	Mr S Mubako
Mr C G Msipa	Mr W Kamba
Miss T Siziba	

Secretariat

Mr J M Willson

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The session started at 11.39.

THE CHAIRMAN said that he understood that there had been two full sessions the previous day in which a great deal of work had been done. He asked whether either delegation had any further questions on the British proposals.

MR NKOMO said that he thought that it would be appropriate for certain vital issues concerning the Governor and his administration to be discussed. The British had given the Governor many functions, and had explained their reasons for proposing that his stay in the country should not be a long one. Time would be needed to get the country going again and it was important to provide security for everyone. There was need for an administration which would bring in local people from within and from outside the country. His delegation had proposed a Council to work with the Governor, with equal numbers from the other side and the Patriotic Front. There had to be people close to the Governor to ensure that the cease-fire was maintained and the administration kept running. His delegation now suggested that the Governing Council should comprise the Governor, 4 members of the Patriotic Front and 4 from the Salisbury delegation. He considered that cohesion and cooperation were vital during the period of transition and for the future. He reminded the meeting that most of the forces on both sides were people of the country, and it was essential that they should be seen to be co-operating, if only in a small way.

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The Patriotic Front had moderated their proposal and reduced their suggested representation. This was not a question of feasibility but of numbers and it could work.

MR NKOMO went on to say that an interim period of 6 months would not be too long. If the British persisted in pressing for 2 months, they might find that they had to stay longer because the cease-fire would not have taken root. The British Government would then be blamed for any troubles which might ensue after the interim period.

THE CHAIRMAN said that he suspected that this point had been discussed the previous day - and certainly during earlier meetings. Mr Nkomo talked of the British leaving the country; Britain would do only what it believed to be its duty and Mr Nkomo was under-estimating the political determination of the British Government in putting forward their proposals.

The British maintained that there should be a very short period which would be taken up in contesting an election; the idea that a process of power sharing could go on at the same time was unrealistic. Political parties were not at their most friendly at election time. That was why the British wanted the period to be short.

There had to be machinery for those taking part in an election to make known their views to the Governor or to the Election Commissioner; that was why the British had proposed an Election Council. They did not think that a power-sharing Advisory Council would be feasible at a time when the parties were struggling to win power. The British would later

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be proposing a Cease-fire Commission which, together with the Election Commission, would meet those needs. In the short period available the Governor would administer Rhodesia for the good of the people as a whole.

SIR IAN GILMOUR said that he thought everyone agreed with Mr Nkomo on the principle of reconciliation but that the period of an election was not an ideal time for reconciliation. An election had a divisive effect; British experience of power sharing, for example in Northern Ireland, had not been satisfactory. The security of all those fighting the election, especially the party leaders, was a vital matter which would be the responsibility of the Governor.

REV. SITHOLE sought clarification on the proposal of a Governing Council with equal representation between the Patriotic Front and his delegation. MR NKOMO said it was a compromise between the groups present. The REV. SITHOLE said that the Patriotic Front represented only one party and the Government of National Unity group represented four parties. MR MUGABE asked whether that statement reflected the general view of the entire Salisbury delegation, as he understood them to be one delegation and not four. THE CHAIRMAN said that, so far as he was concerned, this question did not arise since the British did not believe that the establishment of a Governing Council would be the right procedure, but it did illustrate the difficulties which could occur over a Governing Council. There could well be other parties in Rhodesia who would want a place on a Governing Council.

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MR SILUNDIKA said that he would respond to Rev. Sithole on the principle of the matter. There were two processes during the interim period; first, there was the British Governor and the process of elections; secondly there was the day-to-day activity of Government departments, which might also affect elections. Advice from civil servants who had worked for the previous government might be biased. His delegation thought it essential that there should be a Governing Council, independent of the election campaign, to advise the Governor.

THE CHAIRMAN, answering Mr Silundika's last point, said that the Governor would not take any legislative action or advice in circumstances which would affect elections or the future of the country; if he did, it was a matter for the Election Council and the Election Commissioner. MR SILUNDIKA asked whether the British delegation were saying that the Election Council would advise the Governor on all matters likely to affect the conduct and state of the country, since any of these might indirectly affect the elections. THE CHAIRMAN replied that they were not saying this. The Governor would be in charge of many aspects of the day-to-day administration which had nothing to do with elections. Matters relating to elections could be raised in the Election Council and, through that body, with the Election Commissioner.

MR MUGABE, commenting on the British proposals, said that the Governor would assume control of departments of the existing Government; in doing so he would acquire the

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instruments of the régime, thus prejudicing his delegation's position and creating favourable opportunities for the other side. Under his delegation's proposals there would be a Governor who would be head of state and commander-in-chief of all the forces, both those of the Rhodesian régime and those of the Patriotic Front. Under him there would be ministers who would constitute the Governing Council and be in charge of the various Government departments. The latter would be under the joint control of both sides, thus eliminating prejudice. The Governing Council was intended to improve the position. A partnership was needed for the Governing machinery, involving the British at the head and the other two delegations. The British, however, had chosen to tip the scales against his delegation. He called for the adoption of an objective standard making for equality; if his delegation's proposals were refused, the British delegation were opting for inequality. THE CHAIRMAN responded that the proposals envisaged by Mr Mugabe and delegation would create just that difficulty. His delegation envisaged no decisions in terms of legislation or administration in the interim period which would alter the balance. The administrative machine would merely tick over on a day to day basis; routine Government activities, which bore no relation to an election, had to carry on. Trying to put the two sides together raised many problems, such as that of the balance which would be needed. This explained why his delegation did not want such arrangements and why the interim period had to be short.

/MR MUGABE

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MR MUGABE said that the British delegation had opted for an imbalance in favour of the Salisbury delegation. It was not true that the administration had nothing to do with elections. Take, for example, the role of the Department of Internal Affairs (formerly that of Native Affairs), which had been known to exert pressures on chiefs and tribesmen in rural areas.

SIR I GILMOUR commented that there was no alternative to acting through the existing civil service. He repeated that the Governor would have executive and legislative powers. There would be no imbalance, because no political party would have executive authority during the elections. But, as the Chairman had said, party leaders would have access to the Governor.

In response to a question from Mr Mugabe, THE CHAIRMAN confirmed that the existing heads of department would be used. MR MUGABE pointed out that these had been committed to UDI and had operated against his delegation. Would they be transformed into objective people once a Governor assumed control? THE CHAIRMAN replied that Mr Mugabe's fears were not justified. SIR I GILMOUR made it clear that the Governor's conduct of the administration had to be neutral between the parties, and seen to be so. MR MUGABE then recalled the example of the declaration of the state of emergency on 5 November 1965, after which the Governor had been imprisoned and all departments had opted to serve the /régime

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régime. THE CHAIRMAN replied that the Governor now envisaged was of a different kind, and that the analogy was not apt. All sides had to trust the impartiality of the British Governor who would be operating impartially through the existing machinery in the country. SIR I GILMOUR confirmed that the Governor proposed would be of quite a different sort; he would have full executive powers whereas the Governor in the old days had not.

MR MUGABE commented that the British Government were supposed to be the administrators of Southern Rhodesia, but the machinery of Government had refused to obey them after UDI. He did not believe that the civil service would become impartial merely because the Governor assumed full executive and legislative powers. THE CHAIRMAN commented that what was relevant was what happened in practice. It would be the Governor's task to ensure that the rules were kept. In response to a query from MR MUGABE, THE CHAIRMAN said that the exact staff of the Governor would have to be decided. He again commented that there had to be trust from both sides. Bishop Muzorewa's delegation had accepted the powers of the Governor for the short period concerned. Both sides had to trust the British Government and assist the Governor. MR MUGABE commented that Bishop Muzorewa's delegation had accepted the British proposals because in doing so their exercise of full power in the interim period had been accepted by the British Government. THE CHAIRMAN said that this was the wrong way of looking at the situation.

/MR MSIKA

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MR MSIKA asked for clarification of what was meant by the Governor's staff - how many there would be and what role they would have. THE CHAIRMAN replied that the staff would be adequate to carry out their functions (although obviously they would not be numbered in hundreds) and would assist the Governor. The Chairman then quoted paragraph 7 of Paper CC(79)46 in amplification.

MR SILUNDIKA then made the point that the Governor would need advice. The proposed Election Council was consultative but would not advise in the general running of the country. Why could his delegation's suggestion not be considered - it envisaged a small group to advise the Governor, in comparison with the thousands of public service officers. THE CHAIRMAN reiterated that the suggestions of Mr Mugabe, Mr Nkomo and delegation were impossible to achieve in the kind of interim period envisaged by the British Government. In response to queries from MR NKOMO, THE CHAIRMAN said that the period envisaged was two months from the moment the cease-fire took effect. First of all a cease-fire would be negotiated; it would then take effect and the period would commence. MR NKOMO stated that the ceasefire could not be separated from the machinery of the interim period. He asked what the British Government thinking was on the length of time needed for the implementation of the cease-fire. THE CHAIRMAN replied that that question would be discussed during discussion of the cease-fire. /MR NKOMO

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MR NKOMO reiterated that this could not be discussed in isolation; the cease-fire could not be separated from the elections. THE CHAIRMAN replied that the important thing to know in the present discussions was the period the British Government believed right for electioneering once the cease-fire took effect: in their view this was two months.

MR NKOMO said a cease-fire would take 4 months to implement. He then asked when the Governor would arrive in the country; would it be after the cease-fire or before?

THE CHAIRMAN said that at the start of the Conference it had been proposed that the arrangements for a cease-fire would be the last item on the agenda. He wanted to go step by step to get agreement. In the judgment of the British Government there should be an interim period of 2 months for electioneering after the cease-fire had taken effect. After the Conference had agreed to these principles he proposed to go on and talk about a cease-fire. MR NKOMO said that all he wanted was an idea of the time scale involved in all these processes. THE CHAIRMAN said that the Governor would arrive at the time the cease-fire began. SIR IAN GILMOUR added that the Governor could arrive after a cease-fire had been agreed, but before it had become operative. There would be certain advantages in this. MR NKOMO said that this meant that once the cease-fire had taken effect 2 months would be allowed for elections. This would mean a total period of 4 months to bring about a cease-fire and then allow electioneering. He thought it important that the Governor should be

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present in the country for the whole period.

MR MUZENDA said that the commanders of the forces involved would have to remove mines from roads and this would take time before it would be safe to travel. It could take as much as 4 or 6 months or even longer to clear the whole country.

THE CHAIRMAN said that the British hoped the Governor would be able to arrive as soon as possible after the end of the Conference, and that the cease-fire would begin as soon as possible after the end of the Conference. These two events would not necessarily take place at the same time. Mines were still being dug up 35 years after the end of World War II - they could not wait for this to be done before implementing a cease-fire in Rhodesia.

MR TONGOGARA said that the effectiveness of a cease-fire involved not only stopping the shooting; there were other factors. There were areas which were at present 'no-go' areas, perhaps because of mines or for strategic reasons.

THE CHAIRMAN said that the Conference seemed to be discussing the modalities of a cease-fire, and that that was for the next stage. The sort of period Mr Mugabe and Mr Nkomo were talking about was not the sort of period the British were talking about. They wanted it as quickly as possible and the sooner it was done, the better.

MR NKOMO said that there were other processes leading to an election, such as the registration of voters, which could not be done until after a cease-fire had taken effect.

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As for constituencies, he was not thinking in terms of regional or tribal groupings, but of the country as a whole. It was important that, whatever system was adopted, the size of the electorate should be known. If the cease-fire implementation period was x and the registration/delimitation period was y, the total period would be $x + y + 2$.

He went on to ask about the part to be played by the Commonwealth observers as set out in the Lusaka agreement. His delegation had proposed a United Nations force but this was in connection with the cease-fire and would not be discussed at that time. During the period of electioneering it was suggested that a group of Commonwealth observers should be present. He asked what the word "observe" really meant in an international context. The Commonwealth observers would come under British authority. There was a difference between British authority, which was not in question, and supervision. The British could not supervise themselves; it must imply supervision by some agent other than the British. His delegation sought clarification of the position of Commonwealth observers and of what supervision entailed. His understanding of the Commonwealth agreement at Lusaka was that observation would begin not at the election stage but at the planning stage. He did not agree with the British on the question of supervision; somebody else had to supervise the British, but under British authority.

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THE CHAIRMAN said that, as time was moving on, he proposed to answer the various points raised during the afternoon; he suggested a further meeting at 15.00.

DR MUNDAWARARA asked that for the sake of progress the Conference should stick to one subject at a time. His delegation had accepted the British proposals about the period of the election and understood that the period of 2 months was to be the full period with no x's and y's added to it.

The session ended at 12.55.

- 12 -

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