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CC(79)64

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TWENTY-NINTH PLENARY SESSION

CONSTITUTIONAL CONFERENCE
LANCASTER HOUSE
LONDON

Summary of the proceedings of the
Twenty-Ninth Plenary Session of the
Conference, Friday 9 November 1979

Lancaster House
9 November 1979

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PRESENT:

UK Delegation

Lord Carrington (in the Chair)

Mr R Luce

Sir M Palliser

Sir N Henderson

Sir L Allinson

Mr D M Day

Mr R W Renwick

Mr P R N Fifoot

Mr N M Fenn

Mr G G H Walden

Mr P J Barlow

Mr R D Wilkinson

Mr R M J Lyne

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

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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 A M Chambati	Mr J M Tongogara
Mr John Nkomo	Dr H Ushewokunze
Mr S K Sibanda	Mr D Mutumbuka
Mr W Musarurwa	Mr J Tungamirai
Mr S Mehta	Mr E Zvobgo
Miss E Siziba	Mr S Mubako

Secretariat

Mr J M Willson

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The session commenced at 1635.

MR MUGABE said that he understood that the Chairman had said that the Patriotic Front's absence from the meeting the previous day was discourteous. His delegation had in fact requested a postponement because of a prior engagement with President Kaunda; this request should have been brought to the Chairman's attention. In the circumstances he considered the Chairman's statement to have been unfair.

Mr Mugabe then announced that his delegation would deliver two statements, the first concerning the British Government's Southern Rhodesia Bill, a matter of great concern to his delegation; and the second a reply to the British Government's detailed document on transitional arrangements (CC(79)56).

Mr Mugabe then delivered the first statement, subsequently circulated as Conference Paper CC(79)65.

Mr Mugabe added that the British Government were using his delegation's attendance at the Conference as a platform to persuade international opinion to believe that this Bill was being introduced with the concurrence, implied or explicit, of delegations at the Conference. This was not the case. The Patriotic Front delegation took exception to this use of the Conference in order to enhance the British Government's original objectives, prior to the Commonwealth Conference, of securing recognition of the rebel regime.

/MR NKOMO

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MR NKOMO recalled that his delegation had promised to study the British Government's detailed proposals (CC(79)56) and to react. They would have done so the previous day but, for the reasons given by Mr Mugabe, this had not been possible - not because they had not wanted to do so, as implied in several news statements.

Mr Nkomo then delivered the second statement, subsequently circulated as Conference Paper CC(79)66.

In delivering the statement, Mr Nkomo:

- (a) commented at the end of paragraph 1.2.(a):
"Lasting peace means peace before, during and after elections";
- (b) said at the beginning of paragraph 2.1.(a):
"the Governor will in fact rely on the existing power structure";
- (c) substituted the following for the fourth line from the top of page 3:
"only with the top officials in the existing public service. Under our proposals these top officials would be replaced.";
- (d) between the second and third sentence of paragraph 4.5, said:
"the forces presently locked in combat in Rhodesia must be accorded equal status during the interim period. The British proposals accord legality to the regime's military and police forces and denies it to our forces";

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- (e) substituted "quickly, leaving behind them chaos" for the last 8 words of paragraph 5.3(b);
- (f) substituted "campaign for election" for the last 7 words of the first sentence on page 9. He added at the end of paragraph 5:
"if not so, we shall be told. Our period of six months was chosen after careful consideration and taking into account the time required for the completion of all the essential processes and the need to be fair to all parties.";
- (g) added the following sentence at the conclusion of the statement:
"it can only be bridged by looking at the issues and discussing them in order to find a solution; that is what we are here for".

THE CHAIRMAN said that he was sorry at the tone which had been used by Mr Mugabe, and the implications of what had been said. He was astonished that it had been suggested that the British Government had not been negotiating in good faith, and he did not think that any objective observer would support that accusation. It remained the determination of the British Government to achieve a settlement which was just and which would lead to free and fair elections.

By way of rejoinder to Mr Mugabe's statement, the Chairman referred to Conference Paper CC(79)56 of 2 November, which stated in paragraph 22 that "The authority of the United Kingdom Parliament will be

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sought for the appointment of the Governor, the making of the Independence Constitution and the holding of elections under it. Legislation will be submitted to Parliament as a matter of urgency so that the Governor may, without loss of time after his arrival, take the steps necessary to allow the elections to be held." In presenting their Enabling Bill to Parliament the British Government had done precisely that and the Chairman said that he did not understand why Mr Mugabe should seek to establish a connection between an Enabling Bill and the proceedings at that stage in the Conference. Its purpose was to enable provision to be made for the Independence Constitution for Zimbabwe as well as for the holding of elections in which all parties would be able to participate; and for the government of the country in the period prior to independence. That would enable the British to put a settlement into effect as soon as it had been reached. Such a Bill did not prejudge or pre-empt any conclusions reached by the Conference. It merely put the British Government in a position to implement those conclusions as quickly as possible. With regard to sanctions, the generality of sanctions would remain in force until there was a return to legality with the arrival of a Governor in Salisbury and acceptance of his authority. Section 2 of the 1965 Act would not be renewed, but this would only affect a small proportion of sanctions.

The Chairman said he had no immediate comment on Mr Nkomo's statement. At first sight, however, it did not appear to

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advance the situation very far, and was, broadly speaking, a restatement of what had been discussed during the past three weeks. He would give a considered reply to the Patriotic Front's statements the following day at 11.30, if that time was convenient. He asked whether the Salisbury delegation had any comments to make.

DR MUNDAWARARA said that anything he said would merely be a repetition of what had already been said. He wondered whether the stage had now been reached at which bilateral meetings would be of some assistance.

THE CHAIRMAN said that it had been necessary to go over and over a number/^{of}points and discuss them. With regard to bilateral meetings, he was in the hands of the Conference but he understood that the Patriotic Front preferred plenary meetings. If one delegation wanted to have a bilateral meeting with the British delegation, that request had been granted. If one side preferred plenary sessions, however, he did not think the other side should opt out.

MR MUGABE said that he would not dismiss the possibility of bilateral meetings at some stage but the main mode of operation should be through plenary sessions. THE CHAIRMAN agreed with him.

MR MUGABE said that the Chairman had stated the British position on the Enabling Bill; he accepted that such a Bill was an urgent matter but not at this stage. It would only become urgent after agreement had been reached. The British appeared to want to have it ready before agreement. It also appeared

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that the British had made a misleading statement that agreement was about to be reached. That was not the case; the Patriotic Front had only just given their reply to the British paper. There had been no real negotiation; at every stage the British had said that the Patriotic Front should either accept or reject the British proposals. His delegation were here to negotiate and to reason, not just to say yes.

THE CHAIRMAN said that an Enabling Bill was to enable someone to do something; it was for the British Government to decide how to run their own legislation in this respect. With regard to timing, there had been negotiations on the transitional arrangements for a very long time and the time was coming when a decision had to be taken. He would answer the points in the Patriotic Front's paper (CC(79)66) the following day, and hoped that after that they would be able to come to a conclusion. MR MUGABE asked what the Chairman meant when he said that the time was coming when a decision had to be taken. THE CHAIRMAN said that the British would answer his questions the following day and if he had more questions they would be answered, but there could not be an indefinite period in which all present were saying the same things again and again. The Salisbury delegation had accepted the British Government's proposals and there could not be indefinite negotiation and no decision once one side had agreed.

MR MUGABE said that the British had obviously negotiated with the Salisbury delegation before the Conference and had

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presented the Patriotic Front with a ready-made product to accept or reject. What the British were suggesting was that those proposals which the Salisbury delegation had accepted, the Patriotic Front must also accept.

THE CHAIRMAN said that the British had proposed arrangements for the transitional period some time ago; some of these proposals, which were not pre-arranged, had been difficult for the Salisbury delegation, as some had been for the Patriotic Front delegation. The Salisbury delegation had now accepted them.

MR NKOMO said that he did not consider the Chairman's attitude to be helpful. The British appeared to be saying that what they had proposed and the other delegation had accepted, ~~the~~ the Patriotic Front had to accept. The British proposals had been accepted without discussion by the Salisbury delegation. The British had had a man in Salisbury for two to three months. The British did not have a man in the Patriotic Front camps - they would not have accepted him in any case. Now the British confronted the Patriotic Front with an agreed document, but the Patriotic Front had come to discuss and work out an arrangement which would bring peace to their country. The British proposals would not bring peace. With regard to the Enabling Bill, the British Government had listed some of the functions of a Governor although agreement had not been reached on his functions at the Conference. What was set out in the Enabling Bill was not necessarily what was going to happen. The British appeared to have made up their minds, and his delegation could not accept that situation.

/THE CHAIRMAN

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THE CHAIRMAN said that an Enabling Bill was what it said it was, and an Order in Council could do what was set out in the Enabling Bill or anything less than that, and would have regard to any conclusions arrived at by the Conference. At the first reading of the Patriotic Front's paper he thought the arguments sounded familiar but if there were any new ideas contained in it the British would look very carefully at them and discuss them the following morning.

The session ended at 1730.

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