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CC(79)47

TWENTIETH PLENARY SESSION

CONSTITUTIONAL CONFERENCE
LANCASTER HOUSE
LONDON

Summary of the proceedings of the
Twentieth Plenary Session of the
Conference, Tuesday 30 October, 1979

Lancaster House
30 October 1979

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PRESENT:

UK Delegation

Lord Carrington (in the Chair)

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 A M Layden

Mr R M J Lyne

Mr S J Gomersall

Mrs A J Phillips

Mr M C Wood

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Mr Mugabe, Mr Nkomo and Delegation

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

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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
Mr L Nyemba
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 G Pincus
Mr L G Smith
Air Vice Marshal H Hawkins
Mr D Zamchiya
Mr S V Mutambanengwe

Secretariat

Mr J M Willson

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The session commenced at 10.35.

THE CHAIRMAN recalled that, after the Plenary Session the previous day, two notes on the basis of which he had spoken had been circulated, the first relating to conditions and preparations for elections and the second to the administration during the interim period. (Conference Papers CC(79)45 and 46). Mr Mugabe and Mr Nkomo had asked for the notes to be circulated. He now invited comments.

MR MUGABE said that his delegation had not been able to conclude their analysis of the documents as they had not been received until after 5 pm the previous day. They did however want elaboration of a few points. He wished first to revert to the question of the comprehensive character of the transitional period. His delegation wanted a comprehensive picture in one document: the Chairman's piecemeal approach gave them difficulty. The Chairman had admitted the previous day that one aspect remained to be discussed, the ceasefire. Could an overall picture not be provided? Were the British Government thinking of a transitional constitution? THE CHAIRMAN replied that the Governor would in effect be the transitional constitution: his authority would be legalised by an Order in Council in the British Parliament.

MR MUGABE confirmed, in response to a question from the Chairman, that his delegation had some questions on the administration in the interim period. MR NKOMO said that it remained very difficult to appreciate the British Government's proposals unless more information were provided. The British
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paper CC(79)46 showed what forces the Governor would be supposed to use, namely the present forces and police. This did not mean much however in the context of the existing forces in Zimbabwe. He asked what was meant by these forces and what relationship there was between the details in the UK proposals and the ceasefire. THE CHAIRMAN replied that if there was agreement at the Conference, discussion of the ceasefire would be the last agreed item on the agenda. His delegation would expect the Patriotic Front forces to be answerable to the British Governor for their part in maintaining the ceasefire.

In answer to a question from MR NKOMO concerning the meaning of the phrase "existing forces and police", the Chairman replied that this meant the existing Rhodesian police and army. MR NKOMO asked whether the Chairman recognised these forces. MR RENWICK said that everyone recognized that there was a war which represented the most serious feature of the situation. The British proposals envisaged the police acting under the supervision of the Governor and his advisers. The Rhodesian security forces would be responsible to the Governor. The Patriotic Front forces would play an important role in relation to the ceasefire and its maintenance.

In response to a question from Mr Nkomo as to whether he recognized that there was a war, THE CHAIRMAN said that that was why they would be trying to negotiate a ceasefire. The two forces with whom they would be trying to do so were the forces engaged in the war. He then reiterated paragraph 11 of

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CC(79)32, adding that the civil police would be acting under the Governor's supervision exercised through the police adviser and his assistants. In response to further queries from MR NKOMO, the CHAIRMAN reiterated that the police would be under the control of the Governor, and that Commonwealth observers would be present during elections. The police kept order and, under the control of the Governor, would maintain order during the interim period. A police force was necessary for the maintenance of order and the only one available was the Rhodesian police force. Because it was the force available and had a knowledge of the country, it would be used by the Governor to maintain order.

MR NKOMO wished to make sure that the Chairman realised that combined operations in Rhodesia involved the army, air force and police. He reminded the Chairman that in the Patriotic Front's documents (CC(79)16 and 40) they proposed a combined police force consisting of the existing force and the Patriotic Front's police force. The Chairman had not asked what the Patriotic Front meant by that proposal. The CHAIRMAN replied that his delegation had concluded early on - and he thought that he had made this clear in discussion - that they did not believe that it was possible to integrate the various police and armed forces until after elections. The British Governor, his staff and the British Government would be responsible for ensuring that conditions were fair. The British view was that this could only be achieved through the existing police force.

/MR NKOMO

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MR NKOMO recalled that the Chairman had said that the people of Rhodesia should not be prejudiced before elections by institutions that might cause them doubt as regards security. Did the Chairman believe that the Patriotic Front forces would bring about such a prejudice? The CHAIRMAN said that, in a ceasefire, it was the responsibility of both sides to maintain it. The British Governor would maintain law and order through the existing police force. In addition there would be an Election Council, on which all parties would be represented; there would also be Commonwealth observers. In this way a free and fair election could be ensured.

MR NKOMO said that the British proposals envisaged only one section of the army, which would seem to him likely to give rise to prejudice. When considering a legally acceptable army, neither side should be in an advantageous position. The people would know that there were two forces involved; would not the appearance of only one as a legal army be prejudicial?

THE CHAIRMAN said that the British proposals related to the practical problem of keeping law and order. He believed that it was not possible to create a new police force in the short interim period proposed. The Governor would therefore have to use the existing police force; a British Police Adviser and an Election Council were also envisaged. The armies would disengage and this question had yet to be dealt with. This would be in the context of a ceasefire when politicians would be campaigning, including the Patriotic Front.

/MR MUGABE

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MR MUGABE reminded the Chairman that the latter had at the start emphasised the need for elections to be scrupulously fair. The Chairman was talking of existing forces in what the Chairman admitted was an illegal context in a situation where Britain had no forces. The forces were those of the Rhodesian regime and the Patriotic Front. An objective and impartial observer would say that there were two forces, those of Rhodesia and the Patriotic Front. There were therefore two ways of bringing about free and fair conditions; either both forces should cease to operate in the interim period or, as suggested by his delegation, a force could be made up from both sides and would provide for impartiality. The British delegation were choosing forces from the side which had rejected British control; did the Chairman believe that the result would be impartial and objective? The CHAIRMAN said they were talking of a situation in which a ceasefire - which would be the final issue to be negotiated - existed; in which both sides were responsible for its maintenance; in which the British Governor would use the police force to keep law and order; and in which armed forces would not be fighting.

MR NKOMO reiterated that the British proposals did not mention the Patriotic Front forces. He again asked whether this was a condition which would lead to free and fair elections, and again requested a comprehensive picture. The CHAIRMAN reiterated that the ceasefire remained to be negotiated; that, once there was a ceasefire, the fighting would stop and

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electioneering would commence. Bishop Muzorewa and delegation had accepted elections held under British authority. He now asked whether Mr Mugabe and Mr Nkomo and delegation had decided whether they were prepared to support elections under British authority.

MR NKOMO said that his delegation wanted to accept or reject something they could understand, and he wished to know what "British Government authority" really meant. THE CHAIRMAN asked Mr Luce to respond. MR LUCE said that the first objective of the British Government was to achieve a political agreement which would lead to arrangements being discussed for a ceasefire. There had to be, firstly, a political agreement, secondly a ceasefire, and thirdly a political will to see an agreement through. Therefore any party which sought to infringe this agreement would be the cause of a breakdown. Against this background it would be a British Governor and British advisers who would assume the authority to ensure that the conditions for the elections were free and fair. He would use the existing police as a basis to ensure that law and order were maintained. Commonwealth observers would also be present; they would have to satisfy themselves that the elections were held under free and fair conditions. It would then be for the new government elected by the people of the country to determine the eventual position of the security forces.

MR ZVOBGO said he would like to try to make those present understand that, when the British talked of a ceasefire, his delegation understood that this meant that people had to stop shooting. There was no such body as the civil police in Rhodesia; the police were a military organisation in the

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same way as the other forces, and they took part in combined operations alongside the army and the air force. The British were saying that the Patriotic Front should accept their proposals, and go to Salisbury, where they would be under the protection of the existing police force, those very police against whom the Patriotic Front had been fighting. It was unreasonable to assume that a non political police force existed in Southern Rhodesia; they were the sworn enemies of the Patriotic Front. Bishop Muzorewa's delegation would not feel safe if they were guarded only by Patriotic Front police. If there were some truly neutral police force, the British might have a case, but their present proposals were based on false assumptions.

THE CHAIRMAN said that the Governor had to have the means of preserving law and order, and he had to use the existing police force to do this; there was no other force available. Mr Mugabe and Mr Nkomo's delegation had to accept that the British Governor and British administration would see that law and order was maintained. He accepted that there was doubt in the minds of some of those present about their personal security, and the British would take special account of these fears. Such matters (eg the provision of bodyguards) would be the responsibility of the Governor and his Police Adviser.

MR NYANDORO appealed for respect for others on the part of each delegation. To refer to each other in derogatory terms was not helpful. THE CHAIRMAN agreed. MR NKOMO said /that

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that he had not intended to abuse anyone, and if he was thought to have done so, he apologized.

MR SILUNDIKA said that his delegation made a distinction between a ceasefire and the security of both the state and the people during the elections. He believed that the British had taken up an inflexible position on this crucial point. He appealed to the British not to do so and to be prepared to negotiate, as this was vital to the survival of the Conference. In the British paper CC(79)46 they said in paragraph 2 that the Governor would have authority to ensure that powers which were carried forward under the existing laws were not abused. This implied that the British were aware of the notorious laws that existed in that country, and that there was the possibility of abuse. In paragraph 3 of the paper it was said that the Governor would continue existing members of the public service in their posts, making them responsible to him. In paragraph 5 the paper spoke of the Governor being responsible on a caretaker basis for the day to day administration of the country. Under paragraph 6 the Governor was to have authority over the existing Defence Forces and Police. He would not necessarily have continuous command and control. Their commanders would report to the Governor and exercise their responsibilities under his supervision. His delegation were concerned to know what those responsibilities were. The Governor would be appointed by the British Government, but it would not be possible for him to know exactly what was going on in all parts of the country. The Governor would have only

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Military and Police Advisers, who would not control the conduct of operations. He felt that the British delegation should be prepared to reconsider the position. Mr Mugabe and Mr Nkomo could not consider themselves safe if they moved around the country with the existing police force in control.

THE CHAIRMAN said that if the Governor's authority was not respected, he did not believe it would be possible to obtain a settlement. It was vital that all those who took part in the election should accept the authority of the Governor, otherwise the whole system would break down. He had no doubt that if all present wished for a genuine settlement and for a free and fair election, and if they were prepared to trust the British who had had great experience in decolonising and in the organisation of free and fair elections, none of the fears expressed by Mr Mugabe and Mr Nkomo's delegation would materialise. It would be up to the Governor to see that the existing laws in the country were not abused; if they were he would be able to take advice from those concerned. The Governor would continue to use the existing civil servants; the ordinary administration of government had to continue. The Governor would act on a caretaker basis, and the every-day affairs of government had to be kept going; but no new policies would be introduced. After the election he would hand over to the new Government. The reference to the Governor's authority over the Defence Forces and the Police meant that he would be their Commander-in-Chief.

MR MUGABE said that the British were asking his delegation to trust the British Government. Mr Harold Wilson had asked
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them to trust him in October 1965. UDI had come about and the British Government had done next to nothing. Even the sanctions which were imposed through the United Nations had not been complied with by British multinational companies. Was that a basis on which he could trust the British Government now? The Rhodesian forces operating in the country were enemies of the Patriotic Front, but the British Government said that, because there would be a British Governor, they should be able to trust him and ignore the forces behind him. What was there to prevent another UDI? There had to be a system of checks and balances under which the Patriotic Front forces were present, with their own administrative machinery. No other basis was possible.

THE CHAIRMAN said that over the years there had been strong criticism in Africa of the British Government because they had not been prepared to take the responsibility for seeking a settlement in Rhodesia and to return the country to legality on the basis of a British presence there. This time the British Government were prepared to do this - no light undertaking after all these years. Nor was it an easy matter for Bishop Muzorewa's delegation to accept the British Government's decision. No doubt Britain would be much criticised whatever happened. However the British were prepared to accept the responsibility. But no British Governor could succeed without the support of both parties. If either party wished, they could wreck the agreement - either Mr Mugabe and Mr Nkomo or the Bishop. Therefore there had to be a considerable element of

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trust by all parties concerned. The Governor would work in the context of a ceasefire which would succeed if all delegations wanted it to.

MR SILUNDIKA said that the questions raised by his delegation were not being fully answered. The question of the Governor should not be confused with the instruments which prejudiced his impartiality - that is the present security forces in the country. It was impossible to expect his delegation to agree that the Governor could be impartial if he used one side to the exclusion of the other. His delegation had not been present when the agreement had been negotiated with Bishop Muzorewa's delegation. The British delegation constantly defended that delegation's acceptance. His own delegation's proposals would benefit all. He concluded by saying that Bishop Muzorewa and delegation should argue for themselves, without support from the Chair.

THE CHAIRMAN said that Bishop Muzorewa and delegation had asked for a bilateral meeting in order to ask questions on the basis of Conference Paper CC(79)32, which all delegations had received. The UK delegation had answered the questions. After consideration, Bishop Muzorewa's delegation had decided to accept in principle the British proposals. Nothing had transpired of which the other delegation were not aware. On the second question he reiterated that in the British Government's judgment, and having regard to British Government responsibility and the dangers to the British Government of what they would be doing, the only way to proceed in the short

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time proposed was for the Governor to use the existing apparatus. A successful outcome could only be achieved by a short interim period. The British Government therefore thought that their proposals were right; with goodwill the Governor could bring about free and fair elections; there would be Observers present to see that this was the case.

MR MUZENDA asked how large the Governor's staff would be. He also asked for an explanation of the involvement of Commonwealth Observers. THE CHAIRMAN replied that the Governor's staff would be a matter for decision by the British Government. The role of the Observers would be to observe the fairness of the election - to see what was happening.

MR NKOMO emphasised that very serious issues had been put to the UK delegation. He asked for them to be considered seriously. His delegation wanted peace. MR MUGABE added that the Chairman could now see why his delegation had had reservations on the areas of power, such as the armed forces, the police force, the public service and the judiciary. They had now found that the Chairman intended to preserve them as they had existed throughout the period of illegal independence and to impose them on a new government intact. His delegation regarded this attempt to adopt existing institutions as very serious and prejudicial to themselves.

THE CHAIRMAN said that he realized that everyone had reservations. Bishop Muzorewa and delegation had reservations about what they had accepted. He understood them. He understood

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the reservations of Mr Mugabe and Mr Nkomo and delegation. He himself had reservations. His role as peacemaker was not easy. He would reflect on all that had been said. He would be less than honest however if he did not make clear that what Mr Mugabe and Mr Nkomo and delegation had said had already been discussed within his government and delegation for a long time. His delegation understood the problems faced by the other delegations and had sought to devise a scheme which, though difficult for both, was fair to both. He would give his delegation's considered view the following morning on what Mr Mugabe and Mr Nkomo's delegation had said.

MR I D SMITH intervened to say that his country's police force had an international reputation for being a highly trained and disciplined force. As the war had progressed, as attacks had concentrated on civilian targets, and as captured documents had pointed to attacks on urban areas, the police had been dragged into the war arena. They wished to leave it and return to their normal police work; this would happen once there was a ceasefire. Force of circumstance had led to police being put into this situation. Members of both visiting delegations would agree from experience that the police provided protection and represented a highly disciplined force; when former enemies had returned to the country they had received first-class protection. If the new system was accepted, the police would take orders from the British Governor. He himself was not happy but if he had to accept the British proposals he was /satisfied

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satisfied that the police would not be found wanting in maintaining law and order. It was wrong to blame the police for the present situation or to question their integrity. MR MUGABE commented that this only underlined the point that the present police force was part of the combined operations force, a force which would support the Rhodesian side. As to what the police force would become, this could be solved together; there could be integration of forces, perhaps under proper command. At present they were part of the enemy side and could not be trusted.

It was agreed that the Conference would adjourn until the following day.

The session ended at 11.50.