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FCS/79/148

CHANCELLOR OF THE DUCHY OF LANCASTER

NKR17

1/2/75

Southern Rhodesia: Incependence  
Bill

1. If we succeed in reaching agreement at the forthcoming Constitutional Conference on an independence constitution for Rhodesia, we shall want to be ready to introduce a Rhodesia Independence Bill without delay.
2. I have therefore instructed my officials to put in hand inter-departmental consultation on the precise terms of instructions to Parliamentary Counsel. The position of Rhodesia, both before and after 1965, was anomalous and it will not be a case of merely following earlier independence Bills. The main provision would, however, follow the pattern. It would establish the new State and withdraw UK jurisdiction. The Constitution would be set-out in a separate Order in Council and the Bill would need to confer power to make such an Order. The Bill would also repeal the Southern Rhodesia Act 1965. Enabling powers would be taken to allow consequential amendments to United Kingdom law arising from Southern Rhodesia's changed status and the revocation of sanctions.
3. The legislation may also need to provide for a transitional period of 2 or 3 years after independence during which Rhodesians would continue to enjoy the rights and privileges of Commonwealth citizens. This will be necessary to avoid hardship for individuals if on independence Rhodesia is not accepted into the Commonwealth (which is a possibility we must reckon with). Similar provision was made for South Africa and Pakistan at the time they left the Commonwealth.
4. We shall want the Bill to provide a general amnesty and indemnity from civil action for political and sanctions offences committed during the period of illegality. We shall look to the Rhodesians to enact a similar measure. This is something which we shall need to negotiate with them once it is clear that

/ agreement



agreement on a constitution can be reached. If we are proceeding to a settlement with the internal parties alone, we should have to expect such a provision to attract criticism elsewhere in Africa. Against the background of controversy over the role of Shell and BP in supplying oil to Rhodesia, there might also be criticism in Parliament. But I believe a general amnesty to be essential if we are to wipe the slate clean and make a fresh start.

5. Geoffrey Howe has already put on record the importance of obtaining from a "legal" Rhodesian Government an acknowledgement of responsibility for Rhodesia's pre-UDI debts. We shall want to incorporate something on this into our legislation, if possible, though the principal instrument dealing with this aspect will probably have to be an Exchange of Notes with the newly independent Zimbabwe administration. This again will be a subject for negotiation once adequate constitutional arrangements are agreed.

6. A number of these issues can be settled only after the Conference and the negotiations which will follow it. But I should be grateful for your agreement to instruct Parliamentary Counsel to begin preparatory work on a draft Bill now on the lines suggested above, so that we can bring it forward quickly when the need arises.

7. I am copying this minute to the Prime Minister, the Lord President, the Chancellor of the Exchequer, the Home Secretary, the Lord Chancellor, the Attorney-General, the Chief Whip, the First Parliamentary Counsel and to Sir John Hunt.

C

(CARRINGTON)

Foreign and Commonwealth Office

7 September 1979

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