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CABINET
DEFENCE AND OVERSEA POLICY COMMITTEE
RHODESIA

Memorandum by the Secretary of State
for Foreign and Commonwealth Affairs

1. Following the meeting of the Committee on 5 July, I stated in my speech in the House of Lords on 10 July the Government's intention to make firm proposals, once our consultations are completed, to bring Rhodesia to legal independence with wide international acceptance.
2. In their talks with him on 11 and 12 July President Carter and Mr Vance impressed on Bishop Muzorewa the need to work with us. They made clear that in their view constitutional changes would be essential to win international acceptance; and that the Bishop should make a genuine attempt to negotiate with the Patriotic Front. They added that they could see no prospect of a normalisation of relations with Rhodesia's neighbours so long as Mr Smith remained in the Government. In private conversation with Mr Vance, Bishop Muzorewa indicated that he was prepared to consider reducing the blocking power of the 28 white MPs, but emphasised his concern to preserve white confidence.
3. In discussion with Bishop Muzorewa in London on 13 July, the Prime Minister and I sought in the first place to leave him in no doubt about the Government's appreciation of the magnitude of his and his colleagues' achievement. Thereafter, we concentrated on the need for some measure of

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constitutional change which, without undermining white confidence, would make the present Constitution more comparable with those which we had granted to other African countries at independence. We also put it to him that in proceeding towards legal independence it would be essential to offer the external parties an opportunity to participate, though we should not allow them to block a settlement on terms we believed to be right and defensible internationally. It was our impression that the Bishop and his African colleagues are prepared to consider constitutional change, though for obvious reasons they are reluctant to say so at present. In this they would have the support of important elements in the European population who will be attracted by the major prize of legal independence. There will be resistance from the Rhodesia Front: Mr Ian Smith has declared himself against any change in the Constitution.

4. Our objective should be to publish, by mid-August, a statement of our outline proposals for an independence Constitution. Such a statement should meet the following criteria:

(a) It should clearly indicate an eventual independence constitution which would be comparable with the terms on which independence was granted to other Commonwealth countries, especially in Africa;

(b) It should enable Bishop Muzorewa to make clear to white opinion in Rhodesia that he can discuss our proposals without compromising essential minority interests. We should be ready to make a separate statement at the time the proposals are published, emphasising the importance we attach to enabling the white community to play a full part in the future of the country;

(c) It should be in such terms that we could claim to the African Presidents and others that a refusal by the Patriotic Front to attend a constitutional conference on this basis would be unreasonable and a proof of bad faith on their part.

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5. It will be desirable to confine our initial presentation to the outline of the independence Constitution. If we exposed the full extent to which we were prepared to incorporate the substance of the existing Constitution into our own proposals, we should give the Patriotic Front and their supporters in Africa a chance to claim that we were clearly aiming for a solution based on the internal settlement. We can expect the Patriotic Front to reject any proposals we make at the conference. But we should not make it easy for them to claim that it is not worth their while attending the Conference at all. This would defeat our objective of demonstrating that it is their intransigence which is the main obstacle to a wider agreement.

6. I attach at Annex A a draft for such a statement of our outline proposals for a Constitution. This is largely compatible with the existing Rhodesian Constitution; but the side-lined passages indicate the points on which changes will have to be made. I believe that it should be possible to secure Bishop Muzorewa's acquiescence in such changes, without serious damage to white confidence. The limited changes we have in mind are set out in Annex B which has been revised in the light of the Committee's discussion on 5 July.

7. The proposals would be issued simultaneously with an invitation to the Bishop's government and the external parties to attend a Constitutional Conference in London in early September. The terms of the invitation should make clear that:

(a) our objective is agreement on an independence Constitution to be granted by Britain;

(b) Our proposals outline the sort of Constitution which we are prepared to enact and which we believe should commend itself to the parties and to international opinion as a basis for legal independence (though if alternative arrangements were agreed by all the parties, we should be prepared to accept a solution on that basis).

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8. Immediately after the CHGM, we should begin to discuss, in detail, with the Bishop and his officials, the changes set out in Annex B, so as to be in a position to table fully worked out proposals at the Constitutional Conference. It would be my intention, in the light of our discussions with the Rhodesians, to circulate to my colleagues for approval in August the detailed proposals we would table at the conference.

9. Our aim at the CHGM in Lusaka should be to secure the acquiescence of the Heads of Government in our general approach, while not exposing our policy in such detail that they will have a chance to try to impose conditions or constraints. We can expect attempts by President Nyerere and others to involve us in negotiating specific proposals with the Commonwealth at Lusaka which we should then persuade Muzorewa to accept. He may also try to initiate a discussion of the arrangements for the transition to independence, which he will wish to load in favour of the Patriotic Front. We should not permit the discussion in Lusaka to develop in this way. There will be a general desire at the Conference to avoid a confrontation; and, on the basis of the approach I have outlined above, it should be possible to do so.

10. I recommend that the Prime Minister should deal with the problem at Lusaka by including in her statement on Southern Africa a passage on Rhodesia on the lines suggested at Annex C. The announcement that there will be a Constitutional Conference should cut much of the ground from under the radicals. It may be best to hold this back until after the discussion has gone round the table. The Prime Minister will wish to decide this in the light of the circumstances in Lusaka.

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Annexes

- A Draft Statement of Outline Proposals for an Independence constitution
- B The Rhodesian Constitution
- C CHGM: Statement by the Prime Minister on Southern Africa: Rhodesia

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RHODESIA: OUTLINE OF PROPOSALS FOR AN INDEPENDENCE CONSTITUTION

1. Zimbabwe will be an independent sovereign republic in which all citizens will enjoy equal rights under the law.
2. The Head of State will be a President elected by Parliament.
3. The Head of Government will be the Prime Minister, who will be a member of the House of Assembly having the support of a majority in that House. Power to appoint and dismiss Ministers will be vested in the Prime Minister.
4. Parliament will consist of a Senate and a House of Assembly. The Senate will be indirectly elected, and a majority of its members will be Africans. It will have power to delay but not block bills passed by the House of Assembly. The House of Assembly will be directly elected by universal adult suffrage (but see para 5).
5. For a specified minimum period after independence the House of Assembly will contain a minority of seats reserved for representatives to be elected by the European community. The proportion of these seats to the total number of seats in the House will be a matter for discussion between the British government and the Rhodesian parties.
6. Parliament will have power to amend the constitution, which will prescribe procedures to be followed for effecting such amendments on lines similar to those contained in other independence constitutions granted by Britain.
7. The constitution will protect the independence of the judiciary.
8. Under the law, public servants will carry out the instructions of Ministers. Power to appoint, dismiss and discipline members

of the public service will be vested in an independent Public Service Commission. The Constitution will protect the pension rights of public servants.

9. The Commanders of the Police Force and the Defence Forces will act in accordance with general policy directives given by the Prime Minister or other responsible Minister. The Police Commissioner and each Defence Force Commander will be responsible for the administration and operational control of their forces. There will be independent Service Commissions for the respective forces which will have prescribed powers in the disciplinary and establishment fields.

10. The Public Service Commission, and the other Service Commissions, will be appointed on a basis, and with terms of reference, which will take due account of the need to preserve a high standard of efficiency and which also recognise the legitimate claims of the majority of the population to increasing representation in all forms of public office. The power to make certain senior appointments in the Public Service and other services will be vested in the Prime Minister, acting after consultation with the appropriate Commission.

11. There will be a fully justiciable Declaration of Rights and an independent official to assist in its enforcement.

THE RHODESIAN CONSTITUTION

1. The areas of the Rhodesian Constitution which have been most widely criticised are:
 - a. the extent of white representation in Parliament and the power of the white representatives to block legislation acting on their own; and
 - b. the membership and terms of reference of the defence and public service commissions, which at present inhibit even gradual Africanisation.

Our objective will be to achieve changes which would not undermine the confidence of the white community, but would render the Independence Constitution defensible to international and democratic opinion and more comparable to those we have agreed in granting independence to certain other African countries.

WHITE REPRESENTATION IN PARLIAMENT

2. Special representation of white and other minorities in Parliament - at least for a limited period after independence - is acceptable in principle to much African opinion; and there are precedents elsewhere in the Commonwealth. Thus in Tanganyika out of the 71 seats in the then existing National Assembly which was continued in office at independence, 10 were reserved for Europeans and 11 for Asians. This arrangement lasted for the remainder of the life of that National Assembly and was then replaced by provision for up to 10 additional nominated members who included Europeans and Asians. Similar arrangements were made for Zambia where, for the remainder of the life of the existing National Assembly which was continued in office at independence, 10 out of 75 members had been elected by Europeans on a "reserved roll". Thereafter, there was provision for up to 5 additional nominated members. In Kenya there was no express reservation of seats for racial minorities, but 12 out of 117 seats in the Lower House were specially elected by the constituency members sitting as an electoral /college.

college. This was designed to achieve, and did achieve, the election of Europeans. (There was no comparable provision in Nigeria, which had no permanent non-indigenous population of any size; minority interests - essentially tribal and regional - were supposed to be protected by the federal structure of the Constitution).

3. Under the present Rhodesian Constitution, the whites have the power, acting on their own, to block a wide range of constitutional and other bills. They have 28 seats out of 100 in the Lower House and a very wide variety of bills, not restricted to those involving constitutional amendment, require a positive vote of 78 members before they can become law. This situation is without parallel elsewhere.

4. Criticism of it could be met in several ways, alone or in combination, eg:

- a. the majority required to pass the bills in question could be reduced so that the Europeans no longer had a blocking power by themselves;
 - b. the number of white seats could be reduced. (But to curtail the blocking power this would need to be accompanied by a reduction in the required majority, as at (a), or by an increase in the black seats, as at (c);
 - c. the number of black seats could be increased to give them the required majority; or
 - d. the range of bills required to be passed by the required majority could be restricted.
5. We suggest that we might aim for:
- a. 20 white seats in a lower house of 100, with 70 or at most 75 votes to be required for major measures (ie those dealing with specially entrenched sections of the Constitution); or

- b. 28 seats in a house of 120, with 80 or 85 votes required for major constitutional measures.

POWERS OVER THE PUBLIC SERVICES AND DEFENCE FORCES

6. Under the present arrangements there are independent Commissions and similar Boards controlling appointments to, and removals from, the public service, the police force, and defence forces and the judiciary. The qualifications for membership of the Commissions and Boards are such that Europeans will have a controlling voice in them for many years. This, coupled with the terms of reference of the Commissions, will inhibit even gradual Africanisation of the senior ranks of the defence and public services and of the judiciary in the foreseeable future. We know that Bishop Muzorewa wished to appoint an African to succeed the Cabinet Secretary, but was unable to do so in the face of opposition from the Public Service Commission. Nor was he able to appoint an African as Deputy Secretary. There is a need for simple amendments to attenuate the European dominance of the various Commissions, to open up the way for progressive Africanisation and to give the Prime Minister power over the selection and retention of his senior officials and service commanders (subject to consultation with the appropriate Service Commission).

OTHER MATTERS

7. Changes in other areas are less essential. But the present Constitution makes a coalition government obligatory for the life of the first Parliament and entitles every group with more than five MPs to automatic representation in the Cabinet. The Prime Minister has to accept the parties' nominees for the Cabinet seats: he has no power to dismiss a Minister. Bishop Muzorewa is already finding these requirements irksome. There may be a need for changes in the constitutional requirements in this area, without prejudice to the political desirability of a coalition government on more normal terms.

8. There are other areas of the Constitution where improvements, though not essential, may be desirable - eg to make it easier to acquire land (with adequate compensation for existing owners) for settlement by Africans.

COMMONWEALTH HEADS OF GOVERNMENT MEETING: STATEMENT BY THE PRIME MINISTER ON SOUTHERN AFRICA: RHODESIA

1. The problem of Rhodesia has hung over the Commonwealth for many years. A disastrous course was taken when, in 1965, the then Rhodesian government made the illegal declaration of independence. This was followed by years in which the efforts of successive British governments to achieve a settlement based on the wishes of the majority of the people of Rhodesia were frustrated, and in which the political rights of the majority were denied, leading in the end to a war which has brought great hardship and suffering both inside Rhodesia and in neighbouring countries - none more so than here in Zambia.
2. What began as a struggle between the white minority and the black majority has more recently taken on a very different dimension. There is now an African President, an African Prime Minister, and an African majority in Parliament. There have been elections in which for the first time the African majority have been able to elect the leaders of the government. There are those who seem to believe that the world should simply go on treating Bishop Muzorewa as if he were Mr Smith. But that is not the view of the British Government.
3. It is my Government's view that we must try to exploit the opportunity which has been created, by the changes which have taken place inside Rhodesia, to see if we can now find the solution which has eluded us for so long, and in doing so seek a way to bring an end to the war. We owe the people of Rhodesia the best effort we can make, all of us, to help all of them, if we can, to resolve their political differences peacefully rather than by force. I simply do not believe that there is anything now dividing the people of Rhodesia which is worth the use of the bomb and the gun to kill and maim men, women and children by the thousand, or can justify the misery of the hundreds of thousands in refugee camps, to

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put it right. In the changes which have now taken place, we surely have a basis from which to try to develop a solution which will command general international acceptance. The consultation we have had so far have helped my Government in seeking to identify what that solution should be, and I should like to thank all those Heads of Government here today who have contributed to them.

4. Important aspects of the Constitution under which Bishop Muzorewa has come to power have been criticised. [These clauses are indeed not ones that we would have included in a constitution granted by Britain.] But the principle that there should be some guaranteed representation of minority views during a certain minimum period following the transfer of power is not new; and the importance of enabling the European minority to continue to play a part in the life of the new country is widely recognised.

5. There is also natural concern that the search for a solution should involve the present external parties, so that their supporters outside the country may return home in peace and play their full part in political life. We all attach importance to that. It takes both sides to make an agreement and therefore we expect both sides to show that they are prepared to seek a negotiated solution.

6. Finally, I have been impressed by the general conviction that any solution of the Rhodesia problem must derive its authority from Britain as the responsible colonial power. The international community has lost few opportunities to remind us that it is Britain's constitutional responsibility to bring Rhodesia to legal independence on a basis of justice and democracy fully comparable with the arrangements we have made in granting independence to other countries. We accept that responsibility and have every intention of discharging it honourably.

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7. Mr Chairman, as I mentioned earlier, the consultations we have had with our Commonwealth partners over the last two months, and indeed with many other governments, have been most helpful. We have looked forward to this meeting as an important stage in that process of consultation before we put together our policy and initiate what we all profoundly hope will be the final approach to a solution. I look forward very much to hearing the further views of my colleagues round this table; but you will have gathered that we think we can begin to see the form that an attempt at a solution ought to take.

[For later use: As I indicated earlier, we intend to put forward proposals to bring Rhodesia to legal independence. These will take account of the consultations carried out by Lord Marlech; of the discussions we have had with all other Commonwealth governments; and of the discussions at this Conference. The intention of my Government is to summon a constitutional conference at Lancaster House in September to discuss an independence constitution on a basis comparable to that on which we have granted independence to other countries. The present Rhodesian administration and the external parties will be invited to participate. The next steps will depend on the progress made at that Conference.]

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