

RESTRICTED

CC(79)7

FIRST PLENARY SESSION

COPY NO:

89

CONSTITUTIONAL CONFERENCE

LANCASTER HOUSE

LONDON

SEPTEMBER 1979

Summary of proceedings of the First Plenary
Session of the Conference, Wednesday 12 September

LANCASTER HOUSE

12 September 1979

RESTRICTED

Present:

UK Delegation

Lord Carrington (in the chair)

Sir I Gilmour Bt

Mr R Luce

Sir A Duff

Mr D M Day

Mr R A C Byatt

Mr R W Renwick

Mr P R N Fifoot

Mr N M Fenn

Mr G G H Walden

Mr C D Powell

Mr R D Wilkinson

Mr R M J Lyne

Mr M J Richardson

Bishop Muzorewa and Delegation

Bishop A T Muzorewa

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 D C Smith

Mr C Andersen

Dr J Kamusikiri

Mr L G Smith

Air Vice Marshal H Hawkins

Mr D Zamchiya

Mr G Mutambanengwe

Mr Mugabe, Mr Nkomo and Delegation

Mr R G Mugabe	Mr J M Nkomo
Mr S V Muzenda	Mr J M Chinamano
Mr E Z Tekere	Mr J W Msika
Mr J M Tongogara	Mr T G Silundika
Mr E R Kadungure	Mr A M Chambati
Mr H Ushewokunze	Mr J Nkomo
Mr E Zvobgo	Mr L Baron
Mr S Mubako	Mr S K Sibanda
Mr W Kamba	Miss T Siziba

Secretariat

Mr J M Willson

RESTRICTED

The session commenced at 10.35.

THE CHAIRMAN said that he had studied the statements of both sides and was grateful to them for setting out their views. In the statements there was some common ground: a recognition of the crucial importance of finding a just and lasting solution to the problems of Rhodesia; a recognition of the suffering of the people involved; a readiness to approach the Conference constructively and in good faith; and an acceptance of the principle that the people of Rhodesia should be free to choose their own government. There were of course wide divergences of view, but he hoped and expected that all delegates would demonstrate a desire to negotiate constructively.

The British Government's aim was to end the war, and those present at the Conference had it in their power to do this. The people of Rhodesia and those of neighbouring countries looked to the Conference to succeed, as did the international community. He saw no way of achieving that objective unless the Conference could agree on the country's future constitution. The only way to end the war was to remove the reasons for it.

Bishop Muzorewa had said that Rhodesia had a Constitution which represented a good basis for legal independence and majority rule. The British Government had frequently acknowledged that significant advances within Rhodesia had been made in terms of political change, the abolition of racial discrimination and the development of a multiracial society. The British Government had also made it clear that it was Britain's responsibility to approve and enact the independence constitution,

/and

RESTRICTED

RESTRICTED

and that on certain important issues changes would be needed in the present arrangements. On 25 July in the House of Commons the Prime Minister had expressed the British Government's desire for a solution which would contribute to a better and more secure future for the people of Rhodesia and of the neighbouring countries and had said that the British Government would put forward constitutional proposals to form a basis for legal independence. Outline proposals had been given to both delegations on 14 August. The Chairman noted Bishop Muzorewa's view that most of the British requirements in the outline proposals had already been substantially met. This would be discussed during the Conference. The British Government's responsibility was to gain the widest possible agreement at the Conference, and to fulfil its constitutional obligation by making clear what Constitutional arrangements it would be prepared to submit to Parliament.

The CHAIRMAN thanked Mr Nkomo for his opening statement and for his welcome for the British Government's intention to bring about genuine majority rule in Rhodesia. The war could not be ignored. He understood the Patriotic Front's concern about the pre-independence arrangements: these had to be discussed and agreement on them reached before the Conference could achieve its purpose. Mr Nkomo had covered points relating both to the constitution and to pre-independence arrangements. It remained the British Government's view that agreement on a future independence Constitution must be the Conference's objective; they also needed to consider the arrangements to bring that Constitution into effect. The

/key

RESTRICTED

RESTRICTED

key element would be a free and fair election, properly supervised by Britain, in which all parties could compete on an equal basis. The British Government accepted that agreement on a Constitution was linked to subsequent agreement on the pre-independence arrangements.

The Patriotic Front had set out their views on the causes of the war. The purpose of the war was to achieve majority rule. All parties had now accepted majority rule, and the British Government had put forward proposals to this end. The British Government believed that the future government of Rhodesia had to be settled by the people of Rhodesia. Therefore certain of Mr Nkomo's points fell to the people of Rhodesia to decide through their elected representatives.

Mr Mugabe had suggested that the views of the Commonwealth Heads of Government were of secondary importance. The British Government, however, believed that the agreement reached at Lusaka was of very considerable importance, revealing the extent of international support for this attempt to reach a peaceful solution to the conflict.

Mr Nkomo had said that the British Government had to take the Conference into its confidence. The British Government was prepared to put forward further specific proposals, but it was necessary first to receive the participants' views on the framework circulated. The CHAIRMAN invited both Delegations to set out their views more fully on the Constitution, on the understanding that if agreement were reached, that agreement would be contingent on agreement on the arrangements for implementing it.

/The

RESTRICTED

RESTRICTED

The CHAIRMAN therefore hoped to proceed on this basis to a general discussion on the Constitution.

Mr NKOMO thanked the Chairman for his reaction to their statement and for the amplification of his intentions regarding the conduct of the Conference. The Chairman had not, however, said what arrangements would be required to implement a future Constitution. It was essential to have a whole picture of what the Conference was about. The only specific arrangement mentioned by the chairman had been the need for elections under British authority. Mr Nkomo asked how the sides should proceed to elections and who would organise them.

Mr NKOMO then asked that a draft agenda prepared by his Delegation should be circulated to the Conference. This would enable the Conference to move forward. He did not want it to stagnate.

THE CHAIRMAN asked Bishop Muzorewa for his comments.

BISHOP MUZOREWA said that he accepted the Chairman's ruling that the Conference should start by discussing the Constitution. However, the Chairman had said that any Constitution should be a product of its own people. In his delegation's case such a constitution already existed. It had been drafted by the people of his country and took account of the needs and aspirations of all the communities of the country. He asked the Chairman to clarify what the British Government meant in asking the Conference to discuss a Constitution.

The respective delegations then discussed amongst themselves the draft agenda as circulated by the delegation of Mr Mugabe and Mr Nkomo.

RESTRICTED

RESTRICTED

The CHAIRMAN then invited Bishop Muzorewa to comment on the Patriotic Front's proposed agenda.

BISHOP MUZOREWA replied that, in his view, the agenda should be drawn up by the Chairman and the Secretariat. MR MUGABE intervened to say that the Chairman should not have a monopoly in the formulation of the agenda. Delegations could not be excluded from putting forward their views, although in the final analysis it was for the Chairman to decide. His delegation's idea was to present the overall picture, and how they saw the two stages. Transitional arrangements should be examined, especially those aspects mentioned under Point 1 of their draft agenda.

The state of affairs at Independence was contingent on the character of the transitional period. He would therefore prefer that the Conference began by examining Items 1 and 2 of his draft agenda. His Delegation would like to see a transitional structure with definite powers and instruments of control in order to make it possible for the Constitution to work. He said that the 1961 Constitution, which was a legal Constitution, had been overturned and UDI declared in 1965 by a minority which had been able to reinforce its position by use of such instruments as the Army, Police, the Air Force, the Public Service and the Judiciary. It then became the reality which the British Government could not overthrow. It was therefore necessary that the process established at the Conference should be irreversible. He thought that if the Conference proceeded along the lines of the draft agenda, a quicker solution would be achieved.

/His

RESTRICTED

RESTRICTED

His Delegation's attitude was positive, not obstructive as had frequently been suggested.

The CHAIRMAN expressed his gratitude to all three speakers. He said that the object of the Conference was to reach agreement in the most logical and sensible way. The approach of the British Government had been to discuss the best way to achieve a solution with their friends and allies and the parties involved. It was clear from these discussions that the root of the problem lay in the Constitution. If the Conference could agree on the Constitution, it would remove the causes of the war. Once agreement on the Constitution was settled, agreement on other matters could come more easily. The nature of the discussion of some of the other points in the draft agenda would be determined by the solution reached on the Constitution. Some of the points raised by Mr Nkomo in his opening speech were matters which would form part of the discussion on the Constitution. The British Government's view, reinforced by their consultations with others, was that logic determined that the Conference should discuss the Constitution first. He believed that Bishop Muzorewa and his Delegation agreed. He hoped very much that the Patriotic Front could agree.

MR NKOMO said that the Chairman had referred to "other things" essential for implementing the Constitution. He wanted to know exactly what the British Government meant by this. The purpose of the draft agenda was to get the Chairman to elucidate this. The Conference could then agree on where it should start. The Patriotic Front had no wish

/to

RESTRICTED

RESTRICTED

to find themselves in a position where the British Government declared that the Conference had reached agreement on the Constitution, and then sought an adjournment without discussing the other arrangements. The war had to be ended.

THE CHAIRMAN said that he thought that he had made the point in his initial contribution that agreement on a Constitution was contingent on the Conference reaching agreement on suitable Independence arrangements. The British Government recognised that the Constitution had to be put into practice on the basis of specific arrangements. MR NKOMO asked what the Chairman meant by "arrangements". It was essential that they should contain the proposals in the draft. He was not suggesting that his Delegation was saying that these arrangements had to be discussed now. What they wanted to know was whether the Chairman agreed that items 1 and 2 of the draft contained the elements required. It was essential that the Conference should discuss these issues and that the parties should agree on this. He was not saying "Do not discuss the Constitution first".

MR MUGABE said that the outline proposals presented by the British Government set out the general principles governing the Constitution, but avoided setting out the principles which should govern the transitional period. There was a need to do this, perhaps in a general way. The details could be discussed later.

BISHOP MUZOREWA repeated that it was the understanding of his Delegation that they had been invited to the Conference to

/discuss

RESTRICTION

RESTRICTED

discuss the Constitution. They were willing to do this, despite the fact that the people of Rhodesia had already decided on their Constitution. He then suggested that if the Conference were to adopt the draft agenda, its sequence might well be reversed. MR MUGABE said that his delegation preferred the suggested order, but if a different order would facilitate progress, they would consider it. MR I D SMITH said that he was anxious for the work of the Conference to begin. He thought that they should begin with discussion on the Constitution, which was the foundation of the structure. He had understood the draft to be in order of priority, but he was now uncertain where Mr Mugabe and Mr Nkomo's priorities lay. They had said in their speeches that the cease fire agreement was a priority, yet it only appeared as item 4 on the draft agenda.

REV. SITHOLE then sought clarification from the Chair. His understanding of the position of Mr Nkomo and Mr Mugabe was that it was not a question of sequence; what they wanted to know was whether the Conference would accept the contents of the draft agenda as items for discussion. Could the Conference begin with item 3 of the draft, followed in turn by discussion of items 1, 2 and 4? THE CHAIRMAN replied that the draft agenda itself was not complete; there was, for example, no reference to the conduct of elections. What the British Government visualised was discussion and agreement on a constitution. This would be subject to agreement on other issues. Once agreement had been reached on the Constitution then other issues would be discussed in an agreed
/order

RESTRICTED

RESTRICTED

order. He gave an undertaking that all points raised in the draft agenda would have to be discussed, probably along with others.

MR MUGABE said that he was concerned that an agenda should be drawn up, so that the delegations could have a complete picture of what the Conference had to discuss and be certain that all matters on the agenda would be discussed. The Constitution could come first, but all other matters had to be considered.

THE CHAIRMAN adjourned the session at 11.00 am to enable the parties to reflect on the question of a formal agenda.

RESTRICTED