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CC(79)105

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FORTY-FOURTH PLENARY SESSION

CONSTITUTIONAL CONFERENCE

LANCASTER HOUSE

LONDON

Summary of the proceedings of the Forty-Fourth
Plenary Session of the Conference, Thursday
13 December 1979.

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PRESENT:

UK Delegation

Sir I Gilmour Bt (in the Chair)

Mr R Luce

Mr D M Day

Gen M Farndale

Mr R Renwick

Mr P Fifoot

Mr N M Fenn

Mr C D Powell

Mr R Jackling

Col C Dunphie

Mr B Watkins

Mr A M Layden

Mr S J Gomersall

Mrs A J Phillips

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Bishop Muzorewa and Delegation

Dr S C Mundawarara

Dr J Kamusikiri

AVM H Hawkins

Gen P Walls

Mr K Flower

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Mr Mugabe, Mr Nkomo and Delegation

Mr J M Nkomo	Mr R G Mugabe
Mr J M Chinamano	Mr E Z Tekere
Mr J W Msika	Gen J M Tongogara
Mr A M Chambati	Mr E R Kadungure
Mr W Musarurwa	Dr H Ushewokunze
Mr D Dabengwa	Mr J Tungamirai
Mr John Nkomo	Mr S Mubako
Mr L Mafela	Mr W Kamba
Miss E Siziba	Mr R Manyika

SECRETARIAT

Mr R S Dewar

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The session began at 12.20.

THE CHAIRMAN asked whether delegations were yet in a position to respond to the full cease-fire proposals put forward by the British Government on 11 December (Conference Paper CC(79)104).

MR MUGABE asked the Chairman whether the session had been called to obtain the Patriotic Front's response to the proposals or because the Chairman had a statement to convey to the Conference. His delegation had been in the process of discussions with the UK delegation when the meeting had been called - they had asked that it be postponed. THE CHAIRMAN said that the session had been requested by the UK delegation and that of Bishop Muzorewa. It had more than one objective; the first objective was to ask for any responses; the purpose of the second would be mentioned later.

MR MUGABE then pointed out that the situation as from the day before, 12 December, had altered. Although the Conference had not yet reached agreement, the British Government had thought it fit to effect decisions which had not yet taken the shape of an agreement; and an Order in Council had been enacted enabling the Governor to proceed to Salisbury to assume control in terms of executive and legislative authority. In those circumstances the Salisbury government had surrendered its powers to the British Government. Hence there was no Prime Minister of the so-called Zimbabwe-Rhodesia, which had given way to Southern Rhodesia, a colony of Britain. The delegation which had been sitting opposite
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represented the Salisbury regime - which was no longer there. It had surrendered its powers to the Governor. Therefore there was no Prime Minister, Deputy Prime Minister, or Ministers.

Mr Mugabe then questioned the presence of those opposite him and asked whether they should be allowed to speak when they had no further status. Why should the commanders, which had become Her Majesty's commanders, not now sit with the British Government? Their status, he assumed, had been established under the authority of the Governor and they could not be heard to be talking in any terms other than those consistent with their new status as being under the Governor. His delegation had not been consulted on the British action. In their view there were now two parties, the UK and the Patriotic Front, and the Salisbury group no longer legally existed as such. They could not be granted a status at the Conference which had already been taken from them through an Act of Parliament and Order in Council. It would be inconsistent with that Order in Council to allow that delegation to speak. The Patriotic Front argued against them being allowed to represent anyone, unless it was said that they were part and parcel of the British Government - in which case what they said represented the official British viewpoint.

THE CHAIRMAN said that there had always been three delegations to the Conference, those of Bishop Muzorewa, the Patriotic Front and the British Government. The Salisbury delegation had always been
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called Bishop Muzorewa's delegation (never the "Prime Minister's") and that remained the case. He was sure that all accepted that they were close to an agreement; everyone was very desirous of an agreement and he did not want to get involved in any sterile procedural debate over status. The objective of all was to achieve an agreement and bring the Conference to a peaceful and successful conclusion; the only way to do this was for the Conference to end as it began, with three delegations. The Chairman urged that the Conference move on, so that agreement could be reached as soon as possible.

MR MUGABE said that, although the Chairman would make his ruling, this was not a simple matter and his delegation had to make their point. The British had decided to deprive those opposite of a status. When they had sat at the table they had represented the regime. The army had come under the authority of the Governor and the whole cease-fire question was now one to be resolved with the commanders, expressing themselves through the British, and the Patriotic Front. There were now two sides. Now that the British Government had taken over the army, for whom would those opposite speak? Neither Bishop Muzorewa nor Dr Mundawarara had an army unless they argued that they had private armies. The Conference had been talking of the regime's army, which had been taken over by the British Government. A cease-fire could only be reached between those two sides; had those opposite an army to speak for? His delegation's view was that they no longer had that army; hence the two armies were those of Britain, under the Governor, and of the Patriotic Front.

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THE CHAIRMAN said that Mr Mugabe had made his point with cogency. He repeated that the Conference had begun and would end with three delegations. Mr Mugabe's point had been noted. He asked if the Conference could proceed.

MR MUGABE then asked whether his delegation was bound to listen to the Salisbury delegation or whether they could leave.

THE CHAIRMAN said that it would be extremely inconvenient if Mr Mugabe's delegation left; nor would it be understood. Many people throughout the world were looking forward to an early end to the Conference and would not understand it being frustrated by sterile procedural arguments. He asked again if the Conference could proceed.

DR MUNDAWARARA said that he did not feel it proper to make a response to what Mr Mugabe had said. The Chairman had stated the position correctly. The invitation to the Conference had been issued to his delegation in the name of Bishop Muzorewa. Dr Mundawarara then delivered a statement, subsequently circulated as Conference Paper CC(79)107.

THE CHAIRMAN commented firstly that the UK Delegation had in fact received force levels from the Patriotic Front, which was a very useful step forward which would enable the UK Delegation to complete their planning for the assembly process. He was very pleased that Dr Mundawarara's delegation had been able to accept the full British proposals. He said that all

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shared Dr Mundawarara's concern that the cease-fire had to be made effective; there also had to be full assembly. The UK Delegation also agreed that cross-border activity by both sides had to cease. The British Government were in touch with the neighbouring countries about arrangements to see that this happened and would be able to make adequate arrangements to ensure that that part of the agreement was complied with.

MR NKOMO said that Mr Mugabe's remarks were very relevant; and he hoped their serious nature was appreciated. The British Government had sent Lord Soames to be Governor of Southern Rhodesia. He had taken up office the day before and had thus taken control of institutions such as the army. Bishop Muzorewa and Dr Mundawarara had spoken on behalf of that army because of their positions, whether accepted or not. That army was now firmly under the Governor. The Chairman had repeatedly stated in the Conference that the authority of the Governor had to be accepted; the British action had now weakened that position and had created a very dangerous precedent. He hoped that the British were not acting for the sake of convenience. His delegation intended to go through with the exercise and wanted it to succeed. Only the British would be to blame if they put difficulties in the way of the Governor and created precedents in the Conference, which would be quoted when people wanted to deviate.

The Salisbury army was now firmly in the hands of the

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Governor; the Governor was responsible to the British Government; all those institutions which had been answerable to those opposite were now answerable to the British. The British could not have it both ways and say the Governor was in control when it was convenient and vice versa when it was not. He asked whether the Chairman would state categorically whether or not that army was in the hands of the Governor. It was a question of realities rather than procedure. He asked the Chairman not to push the matter aside, which could make the Governor's work difficult.

THE CHAIRMAN said that, as he understood it, the Patriotic Front had taken up arms against an illegal regime. As Mr Nkomo had rightly said, legality had been restored at Salisbury under the British Governor who was in full control of the forces and the administration. The objective of the Conference was to complete that process by reaching agreement so that the Patriotic Front forces also became legal under the Governor. Once agreement had been reached everybody's forces would be legal and under the control of the Governor.

The Chairman concluded by saying that he would deplore the Conference getting bogged down in argument about status. Everyone was anxious to reach agreement and bring the Conference to an end so that all could return to Zimbabwe and fight an election

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rather than a war. He again asked Mr Mugabe's and Mr Nkomo's delegation whether they had any further comments on the British proposals put forward on 11 December (CC(79)104).

In response to a question by MR NKOMO concerning the present position of the army, THE CHAIRMAN said that the army was under the Governor. MR NKOMO asked whether Dr Mundawarara was in charge of that army under the Governor. THE CHAIRMAN replied that General Walls was in charge of that army, under the Governor. Dr Mundawarara was a member of a political coalition, who was hoping shortly to fight an election, as were Mr Nkomo and Mr Mugabe.

MR NKOMO said that he was still not clear about the position of the armies. Were they under the Governor or under the control of the political parties? THE CHAIRMAN repeated that General Walls was under the Governor.

The Chairman then announced that the second purpose of the session was to circulate the Conference documents which he hoped both delegations would study carefully. These embodied the agreements reached at the Conference and those which the UK delegation hoped would be signed at the end of the Conference. The Conference Report and Annexes were subsequently circulated as Conference Paper CC(79)106.

/MR NKOMO

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MR NKOMO asked whether the Chairman was aware that his delegation was engaged in technical discussions with the UK delegation. These were essential and he thought it would be best to complete them first. THE CHAIRMAN said that technical discussions and consideration of the documents were not mutually exclusive. He was sure delegations would find the documents useful.

The session ended at 12.46.

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