



*Assumed between PA & F.C.S.*

PM/79/83

PRIME MINISTER

*Ls  
Pmt  
3/4*

Rhodesia: The Pre-Independence Arrangements

1. We are now close to agreement with Bishop Muzorewa and his delegation on a full description of the independence Constitution. I intend to table this in the Conference next week and to wind up discussion of the Constitution (apart from legal drafting) as quickly as I can.
  
2. The Patriotic Front will resist our proposals and may try to prolong the discussion. But they have accepted that 20% of the seats in the House of Assembly should be reserved to the white community. Their unaccustomed moderation up to now shows the extent of the pressure they are under from the Front Line states. The indications still are that the Zambians want a settlement. Nkomo would also like one, but will find it difficult to accept our terms and to produce plausible reasons for breaking with Mugabe.
  
3. It is probable that the Patriotic Front will come near enough to acceptance of our Constitution to enable us to go on to the next stage of the Conference in the week beginning 8 October. This must be based on our proposals for the pre-independence period. These proposals should be designed to meet a situation in which we have all-party agreement to proceed to elections and independence; but they should at the same time be adaptable for use if we are going ahead with the Salisbury government alone.
  
4. Our objective should be to devise a plan for elections which would:
  - (a) help Muzorewa as much as possible - and therefore be acceptable to him;
  - (b) win the widest possible international recognition for Rhodesia (and safeguard our position in international law);



(c) enable us to demonstrate, if the Patriotic Front refuse to participate, that they have been given a fair chance to do so.

5. Our aim when discussion of the pre-independence arrangements begin in the plenary sessions should be to get the Bishop to make a statement in the Conference on the following lines:-

(a) he had agreed the independence Constitution to be enacted by the British Parliament;

(b) the illegal declaration of independence had been nothing to do with him;

(c) he had already won elections in which 1.8 million people had participated.

But

(d) in the interests of attracting international recognition for his country, he was prepared to accept the agreement by the Commonwealth Heads of Government that new elections should be held and that these should be supervised under the British Government's authority.

6. Such a statement would put the Bishop in the best possible position vis-a-vis the international community. The only new element in it is 5 (d). In private discussion he has assured us that he can accept this.

7. We should work for an arrangement which will enable us to declare that the state of rebellion has ended and that legality has been restored before independence. If legality has not been restored by November, we shall be in great difficulty over Section 2 of the Southern Rhodesia Act. The attraction for Bishop Muzorewa in a return to legality before independence is that it would enable us to lift sanctions forthwith and thus give him considerable advantage in the elections. The lifting of sanctions would encourage the whites and help to ensure

/their





their cooperation. We must ensure that the Salisbury parties understand that, if the removal of sanctions is to be of maximum benefit to them, it must be conditional on their having accepted an independence Constitution and arrangements for the transition to independence which are internationally defensible. The legislative steps for effecting a return to legality are summarised at Annex A. The subsequent provision for elections and an independence constitution will require an Act of Parliament.

8. The basis for a return to legality before independence likely to carry most conviction with the international community and exert most pressure on the Front Line States' support for the Patriotic Front, would be to make interim "colonial" arrangements, under the authority of a British Administrator, (or "Agent" which may be a more acceptable title in Rhodesia), who would have full legislative and executive authority for the administration for a limited period (the aim would be to conduct the election and proceed to independence within at most 12 weeks). In practice the Administrator would confine his activities very largely to what was strictly necessary for the electoral process (including the supervision of the police). The present government would stand aside, with Bishop Muzorewa concentrating on the electoral campaign. The administration of the country would be carried on by Rhodesian civil servants (under the authority of the Administrator); but the formal legal position would need to be a vesting of authority in the UK or its appointee. The incentive for the Rhodesians would be:-

- (a) British economic sanctions would be removed immediately the Administrator took over;
- (b) The arrangement would put pressure on the Front Line Presidents either to push the Patriotic Front into agreeing a ceasefire and participating in elections or to diminish their support for them.

The Patriotic Front would try to negotiate with us the arrangements for control over the administration etc, but we should take firmly the line that this is our business.





9. Bishop Muzorewa is prepared to agree to a plan of this kind (you may wish to see the enclosed record of his talk with the Lord Privy Seal). Apart from the immediate lifting of sanctions, it has for him the great advantage that it would be the present civil service and the police force who would be administering the elections. The plan would maintain momentum towards a settlement. It would put the Bishop - as the man who had negotiated the basis for legal independence and who had already achieved the lifting of sanctions - in a strong electoral position.

10. The Patriotic Front would be in a difficult position. They would not want to participate in elections on any terms which did not give them a major say in their administration, and possibly would refuse to do so. But a return to legality on this basis, especially if the Patriotic Front had, even conditionally, accepted the independence Constitution, would largely under-cut their arguments about the legality of the pre-independence regime, even if they continued to dispute its impartiality. (They would continue to argue that elections held within the existing administration and security forces in place would put them at a disadvantage; and that there should be some neutral force.)

11. Vis-a-vis the Commonwealth, the elections would manifestly be held under our authority. There could be no guarantee that we would get full Front Line support. But the "respectable" international community would find it harder to see anything wrong with this plan - provided they could be assured of our involvement as impartial supervisors. If the Patriotic Front refused to co-operate, we could still proceed immediately with the return to legality, the lifting of sanctions (despite resisting in the Security Council) and the arrangements for elections in which we would keep open the offer to the Patriotic Front to participate. But the difficulty in that case is that we would be in effect responsible for the Rhodesian Army's actions in the continuing war. We would be able to say at every stage that we were acting in complete accordance with the

/Lusaka





Lusaka communique (and it is this which is worrying the Patriotic Front). With sanctions already lifted, the Bishop would have the best possible chance of achieving a high turn-out in the elections, and of winning them.

12. We have begun to prepare the ground with some of the white members of Muzorewa's delegation - in particular David Smith. We shall be in touch with General Walls, whose co-operation will be essential. We shall also have to carry the South Africans with us.

13. As part of the plan, we shall need to propose:-

- (a) a ceasefire; and
- (b) the disengagement of the forces.

Commonwealth and other observers would be invited to witness the elections.

14. What are the main disadvantages of this plan?

15. If the Patriotic Front participates, the main difficulty will be in maintaining the ceasefire. A small military "third force" might well be necessary to monitor it. Any such force would have to be acceptable in Salisbury. A small Commonwealth force composed of acceptable elements would have the effect of driving a further wedge between the Patriotic Front and the Commonwealth governments supporting them and might well prove to be a sine qua non for Kaunda's support. But we should not put forward any such ideas without Muzorewa's prior agreement. It will be very difficult in practice to devise an agreement for the separation of forces which would not put one side or the other at a disadvantage. There would be no point in putting forward proposals in this area which would be unacceptable to the Rhodesian military commanders. We are exploring the possibilities with General Walls.

16. If the Patriotic Front do not participate, we should be engaged, with the Rhodesian administration, in supervising /elections

*Am very worried about this proposal. Think it will be a disaster for Muzorewa and for the Patriotic Party.*





If the P.F. elections with the war continuing. But Muzorewa has said  
 does not that he will accept elections; and we will have to be prepared  
 Rankin's there is little need to show that our supervision of the elections is effective,  
 point - in further election and if the war continues our supervisors could be at some risk.  
 The Front Line States might continue to support the Patriotic  
 Front - though this plan would give us the basis on which to  
 try to persuade some of them at least that they should no  
 longer do so. We should be legally responsible for the  
 activities of the Rhodesian administration as a whole and our  
 responsibility under international law for the Rhodesian military  
 would be irrefutable. We should have to get General Walls to  
 give us a firm assurance that, for the period required to  
 organise the elections, military activity by the Rhodesian  
 forces vis-a-vis Zambia and Mozambique would be restricted to  
 defence from inside Rhodesian frontiers. But our responsibility  
 would last only for a strictly limited period (in this case less  
 than the 12 weeks envisaged in the main plan).

Not possible if the Rosemary's mid-40s continues

17. We should have to reckon with resistance at the United Nations to the lifting of sanctions on the basis of a return to legality without the Patriotic Front. We have prepared an argument that, with a return to legality, sanctions will lapse. This is not an argument which will be generally accepted in the event, without participation of the Patriotic Front, of either a return to legality or of the granting of legal independence. In the event of a temporary return to dependent status, it may be argued by others that sanctions ought not to be lifted until after elections have been held; or that they should only be suspended pending the elections. But if we do not get rid of sanctions before an election without the Patriotic Front's participation, we may find it even more difficult to get rid of sanctions after it. There would therefore be advantage in going straight to the lifting of sanctions from the outset, provided we have a fully defensible interim arrangement. This would have most effect on the situation inside Rhodesia.

18. Sir Ian Sinclair (the FCO Legal Adviser) advises me that





a full-scale return to legality would give us respectable arguments to deploy in the Security Council. The lifting of sanctions before granting legal independence can only be justified on the basis of our being seen to assume direct responsibility and authority for Rhodesia in the interim period before independence.

19. The main resistance to a return to legality on these terms is likely to come from Ian Smith, who will try to insist that the present government should remain in office. It would be very difficult to devise pre-independence arrangements on this basis which would have much chance of attracting international support, even if we appointed a British Election Commissioner to work alongside the existing government. This arrangement would carry little conviction with the Front Line States. President Kaunda would be unlikely to put any pressure on Nkomo to participate. Even if the Election Commissioner was able to claim that the police would act under his authority, it is unlikely that anyone, with the probable exception of the Americans, would follow our example in lifting sanctions in these circumstances; and we should find ourselves isolated or with very little support at the United Nations.

20. If we cannot secure the agreement of the Salisbury delegation to a return to legality on terms which offer good prospects of attracting international support, we should still want to do our best to say that we were complying with the Lusaka communique and were prepared to exercise supervision over the electoral process. But without a return to legality sanctions could not formally be lifted before independence and we should have to consider how to deal with the situation arising from the probable lapse of Section 2 of the 1965 Act before that date.

#### CONCLUSIONS

21. In relation to the pre-independence arrangements, as over the Constitution, we must retain the initiative. The

/Patriotic

*Not only  
from him  
that has all  
that who  
feel that we  
are going to  
an unstable  
situation*





Patriotic Front will be able to direct the course of discussion over the interim period towards their proposals for transitional Councils, etc unless we proceed on the basis of a firm British plan. We will gain most political advantage, and so will the Rhodesians, from a plan for the interim which involves the acceptance by the Rhodesians of a return to dependent status under British authority. This would cause the most difficulty for the Patriotic Front. Next in order of feasibility, but much less attractive to the Salisbury parties and to us, would be to proceed to independence without a preliminary return to legality.

*We should need American support before*

22. If we can get the Salisbury delegation to agree to a return to legality with a British Administrator we should work hard to get American support for this approach; a return to legality would enable them to lift sanctions too. This would do a great deal to promote stability and confidence in Rhodesia.

23. We should meanwhile press ahead with completion of the full independence Constitution, with a view to enacting it in late October/early November. The Rhodesians should begin work on plans for the elections.

24. In the Conference, if agreement has been reached on the independence Constitution (however reluctantly by the Patriotic Front) we should begin to indicate our ideas with a brief statement on the lines set out at Annex B. The objectives of such a statement would be:-

(a) to make clear we are not prepared to  accept the Patriotic Front's ideas on the pre-independence arrangements;

(b) to indicate our intention to fulfil the commitment in the Lusaka communique; - *provided there is a leave free*

(c) to open the way for Bishop Muzorewa to state that he is prepared to accept elections held under our authority. - *provided there is a leave free*



*The British Admin*



ANNEX A

*would normally have an Advisory Council. Can that be the existing 'govt' augmented by Nkomo & Mugabe & they take part in the election.*

PROCEDURE FOR BRINGING RHODESIA TO INDEPENDENCE WITH A RETURN TO LEGAL DEPENDENT STATUS

*part in the election. MT.*

1 The Government makes an Order in Council under Section 2 of Southern Rhodesia Act 1965, appointing an Administrator with full powers and suspending or amending the 1961 Constitution.

*Can't amend by order*

2 The Administrator arrives in Rhodesia and assumes his functions. The local administration complies with his directions.

*Under what law? Surely we shall have to accept the existing state of the law there*

3 The United Kingdom's Permanent Representative informs the Security Council that legal administration has been restored in Rhodesia and rebellion has come to an end.

[We therefore regard sanctions resolutions as having lapsed.]

4 British Government makes an Order in Council revoking all sanctions orders under the 1965 Act. This requires a resolution of both Houses within twenty-eight sitting days, but may come into operation beforehand. Other sanctions enforcement measures are revoked by administrative action and/or statutory instruments under other legislation (none is subject to Parliamentary procedure except the Exchange Control orders, which are subject to negative resolution).

*Management over Rhodesian bonds?*

5 Parliament approves both Orders in Council.

6 Introduction and passing of a short enabling Act to provide for the making of Orders in Council in respect of (a) elections (b) the independence Constitution (c) transitional provisions on independence (NB this cannot be done by Orders under the 1965 Act).

*Under what law? &*





7 Orders in Council are made under the Act.

8 Elections.

9 Introduction and passing of the Independence Bill.  
(The Act at 6 could provide for independence to be granted by Order in Council on date to be fixed following elections. But it will be strongly argued that Parliament should grant independence only after the elections have taken place. An Act will in any event be required to deal with consequential matters in UK law.)

10 Rhodesia becomes independent.





CONSTITUTIONAL CONFERENCE  
OUTLINE OF PROPOSALS FOR IMPLEMENTING THE INDEPENDENCE  
CONSTITUTION

1 The independence Constitution will give the government the power to execute its policies within the law.

*What law? What about after this the constitution has passed?*

2 The elected government will be chosen by the people of Rhodesia in fair elections, in which all parties will be free to participate.

3 Under the independence Constitution the elected government will be in a position to carry out the policies on the basis of which it has been elected.

4 The services of the State will be at its disposal in doing so. The elected government will have the power to make changes in those services, as specified in the Constitution.

*i.e. the army, police & the civil service*

5 Until the elected government takes office, nothing should be done which prejudices or pre-empts the freedom of choice of the people of Rhodesia.

6 The election of the House of Assembly, which is the first step in the implementation of the independence Constitution will take place in the following conditions:-

(a) the administration of the election will be scrupulously impartial as between one party and another;

(b) peaceful political activity will be freely conducted; and

(c) all parties will have free and uncensored access to all the public media.

7 It will be for Britain, as the constitutionally responsible authority, to ensure that these requirements are met.

*- what General Walker?*





8 In accordance with the agreement in the Lusaka communiqué, the elections will be supervised under the authority of the British Government.

9 There will be a ceasefire and a disengagement of the military forces on either side during the election campaign.

10 There will be provision for the exercise of the right of vote by citizens of Rhodesia who are absent from the country.

11 There will be provision for all those citizens of Rhodesia who wish to do so to return.

12 A British Administrator/Election Commissioner will supervise the conduct of the election.

13 Commonwealth observers will be present to witness the manner in which that authority is exercised.

*And how  
do they  
move  
citizenship.*