

THE RHODESIAN CONSTITUTION AND  
THE RECENT ELECTIONS

Questions have been raised about the facilities offered to the so-called Patriotic Front to participate in the constitution-making process in Rhodesia, in the Transitional Government and in the electoral process.

The enclosed document sheds light on these questions. It notes also a statement by Mr. Robert Mugabe insisting, as a condition of participation in any negotiated settlement, on "the establishment of a governing council in which the Patriotic Front will have the predominant voice, and the acceptance of our army as the army of our country."

April 30, 1979

NOTES ON RHODESIAN CONSTITUTIONAL AGREEMENT

PREPARED BY THE CABINET SECRETARIAT

(Except where otherwise indicated the following are extracts from statements issued by the Executive Council)

A. BAN ON ZANU AND ZAPU

1. Statement issued on 2nd May, 1978:

".....In furtherance of the Agreement, we, the Members of the Executive Council have ordered the release of people held in detention. Already over 700 have been freed and the cases of the remainder - a little over 200 - are being examined. The only proviso we make is that after their release they should live peacefully and not engage in unlawful activities. The overwhelming majority of those released have indicated their support for the Agreement through one or other of the parties which we head.

As an indication of our intention that there should be free political activity in the period leading up to the first election we have decided that the ban on all proscribed political organisations should be lifted forthwith. This includes ZANU and ZAPU. Freedom of political activity places a heavy responsibility on the various parties to ensure that political activity is peaceful....."

2. Statement issued on 17th September, 1978:

".....At a joint session of the Executive Council and the Ministerial Council, unanimous satisfaction and approval was expressed that the internal leaders of ZAPU and the Peoples' Movement - who had openly vowed to work against the Agreement which gives majority rule, one man, one vote and independence to the majority of this country - had been detained so as to give a fair chance to the Agreement which caters for everybody....."

The Transitional Government has already taken certain measures to liquidate the infrastructure of those internal organisations having links with those external organisations dedicated to the destruction of the Agreement which confers power upon the majority of the people of this land.

The leaders of these organisations, and those who assist them, have already been placed in detention, and these organisations will be proscribed in due course in terms of the Unlawful Organisations Act, and a proclamation to give effect to this will be gazetted..... (It was published the following day.)

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B. AMNESTY AND SAFE RETURN

3. Statement issued on 20th January, 1978:

"In accordance with the Rhodesian Government's present settlement initiatives, the Security Forces were authorised some time ago to put into effect a safe return programme for terrorists who wished to return to Rhodesia in peace.

Tactical safe return programmes have been implemented from time to time over the years but this is the first such offer to be presented on a national basis.

Recent intelligence indicates that there is a considerable degree of disillusionment amongst the terrorists' rank and file. It is apparent that this disillusionment has stemmed from a lack of confidence in the terrorist leaders, a growing belief that the present settlement talks will, in fact, succeed and a lowering of terrorist morale in some areas as a result of Security Force operations, as evidenced by terrorist surrenders during the past few weeks.

Consequently, steps have been taken to inform the terrorists that if they return in peace their lives will not be in danger. They have also been told how to take advantage of this offer of amnesty.

(Note: The text of the English version of a leaflet on this subject is repeated hereunder.)

The text of the leaflet is as follows:

COME HOME IN SAFETY

RETURN TO PEACE AND YOUR FAMILY

WHY DIE FOR NOTHING AND LEAVE YOUR FAMILY SPIRITS UNAPPEASED?

If you return in peace the Security Forces guarantee that your life will not be in danger.

YOU WILL BE ABLE TO LIVE IN PEACE

All you have to do is hide your weapons and equipment in a safe place and:

- (a) Carry a stick with a piece of clothing tied to it and go in safety to the nearest Police Station, Security Forces base, DC's office or Government official. When you are close, drop the stick and put your hands on your head to show you come in peace;

OR

- (b) Wave the stick in the air when you see the Police or a Security Force patrol or Government official. When they are close, drop the stick and put your hands on your head to show you come in peace;

OR

- (c) If you are injured, send a tribesman to one of these places to tell us where a Medical Officer can come and fetch you.



MAKE SURE YOU DO NOT HAVE A WEAPON AND YOU WILL BE SAFE

RETURN IN PEACE AND YOU WILL BE WELL LOOKED AFTER AND  
HAVE SHELTER, GOOD FOOD AND MEDICAL TREATMENT

IF YOU FIGHT ON, YOU WILL DIE FOR NO REASON AND YOUR  
SPIRITS WILL NEVER REST. YOUR FAMILY WILL CONTINUE  
TO BE TROUBLED BECAUSE OF YOUR WANDERING SPIRIT

Government intends to pursue this programme with the utmost  
vigour in order to reduce bloodshed and return the country to  
normality as speedily as possible...."

4. Statement issued on 2nd May, 1978: (See also No. 1 above)

"....We know from our contacts with them that most of those who have  
been fighting for the principle of majority rule are aware that the  
battle has been won. We say to them that the time has now come to  
bring an end to the fighting. It is time for them to join us in the  
peaceful transition to majority rule which is the basis of our Agreement  
of 3rd March. We guarantee their safety if they come in peace. Through  
our contacts with them, detailed arrangements are being made for their  
reception and to enable them to return to their homes and rejoin their  
families if they wish to do so.

Because the cause of the fighting has fallen away it follows that  
those who reject our invitation and continue fighting have some other  
reason such as the desire for personal power on the part of some individual...."

5. Statement issued on 16th August, 1978:

"Following undertakings made in accordance with the March 3 Agreement  
the Executive Council has been pursuing ways and means of de-escalating  
the war in Rhodesia. Previous attempts to persuade terrorists to  
surrender met with only limited success.

The leaders of the respective Nationalist Parties therefore put out  
a call to terrorists to join a ceasefire and to support the Interim  
Government on the road to majority rule.

Approaches were made by members of the Executive Council and the  
Security Forces to terrorists inviting them to abandon acts of terrorism  
and to concentrate their energies against the forces of the Patriotic  
Front who are the true enemies of the State because they are now fighting,  
not for majority rule but for personal power. Those who have responded  
are considered to be Auxiliaries to the Security Forces and are permitted  
to operate in specific and clearly defined areas under the command and  
control of the Security Forces.

The situation is that several hundred former terrorists are now  
operating in various but widely spread areas of the country in support  
of the Transitional Government.

It must be understood that notwithstanding misconceptions which  
have arisen from the recently published interviews in the Msana TTL,  
these auxiliaries are simply an extension of existing authority. They  
are helping the District Commissioners in the administration of the areas  
concerned and the BSA Police in the maintenance of law and order. Some  
of these groups have operated directly against terrorists and have achieved  
successes and in turn have withstood attacks from terrorist bands.

Negotiations to persuade terrorists to operate on behalf of the  
Government are very sensitive and delicate and have resulted in a number  
of intermediaries losing their lives in this operation. For this reason  
further statements on the Safe Return programme will be made only when  
considered appropriate by the Executive Council."

C. INVITATIONS TO THE PATRIOTIC FRONT TO PARTICIPATE

6. Prime Minister's Press Conference on 24th November, 1977 at which he announced the start of negotiations with internal black leaders:

"Question: Is there any chance that any of the externally based organisations such as Mr. Nkomo and Mr. Mugabe's organisations will be invited or do you think....."

Prime Minister: Once again I think my stance in regard to this question is consistent. I have said that if any of the externally based organisations are interested in turning over a new leaf so to speak and coming back to Rhodesia on the basis that they forsake terrorism and accept that the best thing to do is to work constitutionally for a peaceful settlement in Rhodesia, then their case will be given very serious, and I should imagine, favourable consideration. Clearly we will have to be satisfied that any such offers and undertakings given are given in all honesty and with complete sincerity....."

7. Statement broadcast by the Prime Minister on 12th March, 1978:

".....Black leaders who represent between them the overwhelming majority of black Rhodesians - and this is freely acknowledged by both Britain and America - have reached an agreement with the elected white leaders. They are together forming a Transitional Government with a majority of black ministers which will take the country through to majority rule. All four of us (the three black leaders and myself) have stated that anyone who is outside the country is free to return in peace and take part in the process - particularly the electoral process....."

8. Statement on 25th April, 1978 following discussions with Mr. Vance and Dr. Owen:

"...As we have pointed out previously, the leaders of the Patriotic Front were not excluded from our negotiations. They excluded themselves. It was repeatedly made clear that they would be welcome to return and participate, provided they returned in peace. They spurned our offer and reiterated their intention to seize political power by force of arms. From their recent statements it seems clear that they have not changed their stance, but we have not closed the door to them. It remains open, provided they undertake to operate peacefully....."

9. Statement issued on 2nd May, 1978: (See also No. 1 above)

".....Finally, we call upon all of our people of all races to rally behind the Transitional Government and to support our determined efforts to achieve a peaceful transfer of power to the majority by 31st December, 1978.

We stress once again that nobody is barred or excluded from the process. Those outside the country are free to return and play their part under the amnesty, provided only that they come in peace.

We, your leaders, declare jointly that it shall be the will of the people, expressed through the ballot box and not by force of arms, which will determine who shall lead the country after independence."



10. Statement issued on 5th July, 1978:

".....A spokesman for the Transitional Government said the Executive Council had considered at length representations submitted by Matabele Chiefs expressing concern at the non-representation on the Executive Council of the Matabeleland and Midlands Provinces.

He said the Executive Council wished to point out that the Council had been established, in terms of the Rhodesian Constitutional Agreement, and that its composition embraced the leaders of the major political parties operating in Rhodesia on a national basis.

He stressed that, prior to and in the course of the negotiations which culminated in the signing of the Agreement, Mr. Nkomo and his party were invited to participate.

Since the signing of the Agreement and the establishment of a Transitional Government, further invitations had been extended to Mr. Nkomo to join the Executive Council and play his part in leading the country to majority rule through free and fair elections.

'Mr. Nkomo has rejected all these invitations and, far from assisting the Transitional Government in its efforts, is doing his utmost to wreck the implementation of the Agreement, thereby denying the Rhodesian people the prize which they richly deserve, and in particular the Matabele people, the right to representation on the Executive Council', said the spokesman.

In spite of this, he added that the invitation for him to become a member of the Executive Council was still open....."

11. Statement broadcast by the Prime Minister on 10th September, 1978:

".....I am dedicated to reaching a real and durable solution of our problems, but not merely one designed to get Britain off the hook. I am a firm believer in direct contact and I have always been prepared to talk to anyone if there was a prospect that it would be constructive.

This is why I accepted President Kaunda's invitation to go to Lusaka last month for a meeting with Nkomo. I wanted to ascertain for myself what Nkomo's attitude was. I went secretly (at the request of President Kaunda and Nkomo), but with the knowledge of my Executive Council colleagues and of the British and American Governments. I went in the knowledge that the Matabele people were calling on Nkomo to return to Rhodesia and take his place as their leader. I went, having been assured that he was at heart a man of peace.

Regrettably, however, events have proved that Nkomo is a prisoner of the frontline presidents and in particular of Mwerere, supported by Machel and their henchman, Mugabe. Not even the support of Nigeria saved Kaunda and Nkomo from the wrath of Mwerere for having had the temerity to talk to me.

Nyerere, with his implacable hatred of the white man and his record of dismal failure in his own country since independence, remains the evil genius on the Rhodesian scene and a major stumbling block to a peaceful settlement. It was primarily his rejection of the Kissinger agreement which caused the British Government to go back on it.

He it was who, a year ago, persuaded President Carter to insist that Dr. Owen should lay down the infamous condition that the so-called liberation forces should form the basis of our future army. Yet he is not even a genuine frontline president and he has more to lose than to gain from a settlement that would enable Zambia to re-open her southern routes....."

12. Statement issued on 21st November, 1978:

"The Executive Council has noted press reports of remarks by Mr. Rodding Carter of the State Department to the effect that the United States and British Governments have abandoned their efforts to convene an all-party conference because of the recent raids into Zambia and because of the Executive Council decision to defer the election until April. Both of these reasons are entirely specious and are clearly put forward as yet another attempt by the two Governments to lay the blame for the failure of their policy on the Executive Council, instead of on the intransigence of the Patriotic Front, whose leaders have repeatedly refused to attend such a conference unless its purpose was to hand over effective power to them. This was highlighted by Mugabe's representative, Tekere, who told the U.N. Decolonisation Committee on November 1, that the Patriotic Front has always laid down as a pre-condition for all-party talks that 'the entirety of the Salisbury regime must go and the enemy forces must be completely dismantled.'.....

What is abundantly clear is that the current Anglo-American policy on Rhodesia has collapsed and as usual the two Governments are seeking to blame the Executive Council for their own failure. It is now all the more important for the Transitional Government to proceed with the full implementation of the March 3rd Agreement. This we are determined to do. Once again we call on the United States and British Governments to re-think their policy on Rhodesia and to abandon the veto they have for so long accorded to the Patriotic Front. They should now lend their moral support, if nothing else, to the democratic solution based on universal suffrage which we are putting into effect.

In saying this we stress yet again that everybody who is prepared to participate in peace will be welcome to take part in free and fair elections. We are excluding nobody. Furthermore, as we have repeatedly said, we will welcome international observers to satisfy themselves that the elections are free and fair to all."



13. Statement issued on 5th February, 1979:

....."The Executive Council has noted with regret the negative attitude of the British and American Governments and the threats of disruption by the Patriotic Front. Nevertheless the Transitional Government is determined to proceed with the holding of the election, which will show the world that, despite intimidation, the country's blacks are behind the Agreement of March 3, 1978, and in favour of a peaceful transfer of power through the ballot box.....

No effort will be spared to ensure that the election is free and fair and that everyone who wishes to vote may do so without fear for his safety and in the knowledge that the ballot will be completely secret. Once again the Executive Council invites the British and United States Governments to send official observers to monitor all aspects of the election.

The Executive Council once more extends an invitation to the leaders of the Patriotic Front to return and take part in the election and thus join with us all to ensure a peaceful transition to majority rule."

14. Statement issued on 7th February, 1979:

"The following is the text of a message sent by Bishop Muzorewa, current Chairman of the Executive Council, to the American Secretary of State, Mr. Cyrus Vance, today (Feb. 7, 1979).

Section 27 of the International Security Assistance Act of 1978, states that -

'The United States shall not enforce sanctions against Rhodesia after December 31, 1978, provided that the President determines -

- (1) That the Government of Rhodesia has demonstrated its willingness to negotiate in good faith at an all-parties conference held under international auspices on all relevant issues; and
- (2) that a government has been installed chosen by free elections in which all political and population groups have been allowed to participate freely, with observation by impartial internationally recognised observers.'

You will be aware that at our meeting with Mr. Newsom and Ambassador Jay at the State Department on October 20, 1978, in my capacity as the current Chairman of the Executive Council, I extended an official invitation to the United States and British Governments to send observers to our forthcoming election. At the same meeting all four members of the Executive Council gave a firm commitment to attend all-party talks without preconditions, but the United States and British Governments have failed to convene such a conference.

The Executive Council now formally invites the United States Government to send official observers to monitor the first election to be held on the basis of universal suffrage which will take place in April and which will lead to the formation of the first black majority rule government in our country. Your observers will be



completely free to monitor every aspect of the conduct of the election. We are confident that they will be able to report to you that the elections were fair and free and that the new constitution does have the support of the people as a whole.

As you are aware, the Executive Council has repeatedly urged the leaders of the Patriotic Front to return and participate in the elections and in the peaceful transfer of power to the democratically elected representatives of the people. They have spurned our offers and have reaffirmed their intention to seize power for themselves through the barrel of a gun.

We trust that you will not be deterred from accepting our invitation to monitor the election on the grounds that the Patriotic Front have refused to participate. If you were to decline our invitation it would be regarded by all our people as a clear indication that your Government is according the Patriotic Front preference and a power of veto over any settlement."

15. Statement broadcast by Bishop Muzorewa on 2nd March, 1979:

....."Furthermore, let me also remind you that from the day the constitutional talks leading to the March 3rd Agreement began, to this day, there has always been an open invitation to the leaders of the so-called Patriotic Front to come and join us in making a peaceful transition to majority rule. There always have been, and, there still are, two empty chairs in the Executive Council for those two people outside. However, they have persistently refused to take them....."

16. Statement issued on 6th March, 1979: (See also No. 2 above)

"The attention of the Executive Council has been drawn to recent remarks by Mr. Callaghan and Dr. Owen that the forthcoming general election in Rhodesia cannot be free and fair because the parties comprising the Patriotic Front are banned and excluded from participation and because there is martial law in parts of the country.

One of the first actions of the Executive Council after it took office was to lift the ban on all political organisations, including the internal wings of the Patriotic Front.

At the same time, the leaders of the Patriotic Front were invited to return in peace, take their places in the Executive Council and participate in the first elections and in the peaceful transfer of power to the black majority.

They spurned this invitation and vowed to increase their terrorist attacks and to disrupt the election by making every polling booth their target.

Because the internal wings of the Patriotic Front were actively assisting the terrorists operating in the country, the Executive Council, in carrying out its prime duty of protecting the population against terrorism, had no alternative but to re-impose the ban. In doing so, the Executive Council

made it clear that if the Patriotic Front wished to participate peacefully in the electoral process the ban would immediately be lifted. This invitation has been repeated on a number of occasions but has been rejected by the Patriotic Front leaders. Nevertheless, the offer still stands.

Their comments show that Mr. Callaghan and Dr. Owen have misinterpreted the purpose of martial law in Rhodesia. It was introduced to provide better protection for the black population against increasing terrorist attacks and, in particular, to enable black voters to go to the polls in safety.

It would be lifted if the Patriotic Front, even at this late stage was to indicate its readiness to participate peacefully in the election, from which it has never been excluded. The Patriotic Front leaders excluded themselves because they dare not put their popularity to the democratic test of the ballot box.

The remarks by Mr. Callaghan and Dr. Owen serve to confirm the power of veto they have accorded the Patriotic Front, because they are well aware that the Patriotic Front has no intention of participating in any election over which it does not have control."

#### D. ATTITUDE OF THE BRITISH GOVERNMENT

17. Report in 'The Times', dated 3rd February, 1978, of debate on Rhodesia in the House of Commons:

"Mr. Jeremy Thorpe: I accept the objective was to bring all parties into the talks. If we were faced with a brutal choice between those who wanted a solution through force and those negotiating through peaceful means we would have no alternative but to settle with the latter.

Dr. Owen: I agree with the last point. Although we should pursue peace up to the last moment I envisage a situation in which we must consider recognizing a government which had assumed power while there was still a conflict. We have to assess that decision on the basis of how many people voted in the election and whether the government was reasonably representative....."

18. Extract from House of Commons Hansard, 4th May, 1978:

Dr. Owen: ".....I have made it clear on numerous occasions..... that Britain will honour the six principles. Even now, faced by an internal settlement which we believe to be inadequate.....were such a settlement to be demonstrably acceptable to the people of Rhodesia as a whole, despite the fact that it means continuation of the armed conflict, were elections to be conducted which were seen by this House of Commons to be fair and free, and were a new



government to be installed with a new constitution which was clearly acceptable to the people of Rhodesia as a whole, we would be bound to honour our commitment....."

19. Extract from House of Commons Hansard, 26th June, 1978:

Dr. Owen: ".....I have always said that if we are unable to achieve a negotiated settlement and the internal settlement continues, elections are held and it is shown, despite the level of violence, and in the fair judgment of the House, that the settlement does have the support of the people of Rhodesia as a whole and the fifth principle has been fairly fulfilled, I should expect the House to act accordingly, leaving the matter to the fifth principle....."

E. THE ISSUE OF LAW AND ORDER

20. Extract from statement issued by Dr. Owen in Salisbury on 1st September, 1977, in amplification of the British White Paper published that day. The statement was not shown to, or discussed with, any Rhodesian Government representative prior to its issue.

"12. With a view to creating one unified army loyal to the people and Government of Zimbabwe, it is stated in the White Paper at paragraph 11, subparagraph (e), that legal provision will be made for the formation of a new body to be called the Zimbabwe National Army. Enrolment in this army will be open to all citizens, but it will be based on the liberation forces: it will also include acceptable elements of the Rhodesian defence forces....."

21. Extract from interview with Mr. Robert Mugabe, published in the 'Sunday Nation', Nairobi, on 4th March, 1979:

Mr. Mugabe: "First, they came to us with the Anglo-American proposals, speaking in our language one man one vote, the removal of Ian Smith, the acceptance of our forces as the basis of Zimbabwe's national army, and elections.

To us the language was the language we had spoken for years and there they had kind of extracted it from us. We agreed to hold discussions with them and had two major meetings.

We made quite a number of concessions although we insisted that the pre-requisite of a transitional period must be observed, mainly by removal of Ian Smith, the establishment of a governing council in which the Patriotic Front will have the predominant voice and the acceptance of our army as the army of our country...."