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**RHODESIAN CONSTITUTIONAL
AGREEMENT**

3rd MARCH, 1978

RHODESIA



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RHODESIAN CONSTITUTIONAL AGREEMENT

Friday, 3rd March, 1978

An agreement which will give Rhodesia a one-man-one-vote majority rule government by the end of 1978 was signed in Salisbury on Friday, 3rd March.

The signatories were the Prime Minister, Mr. Ian Smith, and three Nationalist leaders — Bishop Abel Muzorewa, United African National Council; the Rev. Ndabaningi Sithole, African National Council (Sithole); and Senator Chief Jeremiah Chirau, Zimbabwe United People's Organization.

The following is the full text of the agreement document:

Whereas the present constitutional situation in Rhodesia has led to the imposition of economic and other sanctions by the international community against Rhodesia and to armed conflict within Rhodesia and from neighbouring territories.

And whereas it is necessary in the interests of our country that an agreement should be reached that would lead to the termination of such sanctions and the cessation of the armed conflict.

And whereas, in an endeavour to reach such an agreement, delegates from the Rhodesian Government, African National Council (Sithole), United African National Council and Zimbabwe United People's Organization have met during the last two months in Salisbury and, having discussed fully the proposals put forward by the various delegations, have reached agreement on certain fundamental principles to be embodied in a new Constitution that will lead to the termination of the aforementioned sanctions and the cessation of the armed conflict.

Now therefore:

- A. It is hereby agreed that a Constitution will be drafted and enacted which will provide for majority rule on the basis of universal adult suffrage on the following terms:
1. There will be a Legislative Assembly consisting of one hundred members and the following provisions will apply thereto:

- (a) There will be a common voters' roll with all citizens of eighteen years and over being eligible for registration as voters, subject to certain recognized disqualifications.
- (b) Seventy-two of the seats in the Legislative Assembly will be reserved for blacks who will be elected by voters who are enrolled on the common roll.
- (c) Twenty-eight of the seats in the Legislative Assembly will be reserved for whites (i.e. Europeans as defined in the 1969 Constitution) who will be elected as follows:
 - (i) Twenty will be elected on a preferential voting system by white voters who are enrolled on the common roll.
 - (ii) Eight will be elected by voters who are enrolled on the common roll from sixteen candidates who will be nominated, in the case of the first Parliament, by an electoral college composed of the white members of the present House of Assembly and, in the case of any subsequent Parliament, by an electoral college composed of the twenty-eight whites who are members of the Parliament dissolved immediately prior to the general election.
- (d) The reserved seats referred to in (c) above shall be retained for a period of at least ten years or two Parliaments, whichever is the longer, and shall be reviewed at the expiration of that period, at which time a Commission shall be appointed, the chairman of which shall be a judge of the High Court, to undertake this review. If that Commission recommends that the arrangements regarding the said reserved seats should be changed:
 - (i) An amendment to the Constitution to effect such change may be made by a Bill which receives the affirmative votes of not less than fifty-one members.
 - (ii) The said Bill shall also provide that the seventy-two seats referred to in (b) above shall not be reserved for blacks.

- (e) The members filling the seats referred to in (c) above will be prohibited from forming a coalition with any single minority party for the purpose of forming a Government.
2. There will be a justiciable Declaration of Rights which will protect the rights and freedoms of individuals and, *inter alia*, will provide for protection from deprivation of property unless adequate compensation is paid promptly, and for protection of pension rights of persons who are members of pension funds.
 3. The independence and qualifications of the Judiciary will be entrenched and judges will have security of tenure.
 4. There will be an independent Public Services Board, the members of which will have security of tenure. The Board will be responsible for appointments to, promotions in, and discharges from, the Public Service.
 5. The Public Service, Police Force, Defence Forces and Prison Service will be maintained in a high state of efficiency and free from political interference.
 6. Pensions which are payable from the Consolidated Revenue Fund will be guaranteed and charged on the Consolidated Revenue Fund and will be remittable outside the country.
 7. Citizens who at present are entitled to dual citizenship will not be deprived of their present entitlement.
 8. The above-mentioned provisions will be set out or provided for in the Constitution and will be regarded as specially entrenched provisions which may only be amended by a Bill which receives the affirmative votes of not less than seventy-eight members.
- B. It is hereby also agreed that, following the agreement set out above, the next step will be the setting up of a Transitional Government. The prime function of the Transitional Government will be:

- (a) To bring about a ceasefire.
 - (b) To deal with related matters such as:
 - (i) The composition of the future military forces, including those members of the nationalist forces who wish to take up a military career, and the rehabilitation of others.
 - (ii) The rehabilitation of those affected by the war.
- C. It is also hereby agreed that it will be the duty of the Transitional Government to determine and deal with the following matters:
- (a) The release of detainees.
 - (b) The review of sentences for offences of a political character.
 - (c) The further removal of discrimination.
 - (d) The creation of a climate conducive to the holding of free and democratic elections.
 - (e) The drafting of the new Constitution in terms of this Agreement.
 - (f) Procedures for registration of voters with a view to the holding of a general election at the earliest possible date.
- D. It is also hereby agreed that the Transitional Government will comprise an Executive Council and a Ministerial Council and the following provisions will apply thereto:

1. *Executive Council*

(a) *Composition*

The Executive Council will be composed of the Prime Minister and three black Ministers, being the heads of those delegations engaged in the negotiations. The members will take turns in presiding as chairman of the Executive Council in such sequence and for such period as that Council may determine. Decisions of the Executive Council will be by consensus.

(b) *Functions*

- (i) The Executive Council will be responsible for ensuring that the functions given to, and the

duties imposed on, the Transitional Government by the constitutional agreement are dealt with as expeditiously as possible. It will take policy decisions in connection with the preparation and drafting of the new Constitution and the other matters set out in Sections B and C of this agreement and with any other matters which may arise.

- (ii) The Executive Council may refer the matters set out in Sections B and C of this agreement, or any other matter, to the Ministerial Council for examination and recommendation.
- (iii) The Executive Council will review decisions or recommendations of the Ministerial Council and may confirm such decisions or recommendations or refer them back to the Ministerial Council for further consideration.

2. *Ministerial Council*

(a) *Composition*

The Ministerial Council will be composed of equal numbers of black and white Ministers. The black Ministers will be nominated in equal proportions by the heads of those delegations engaged in the negotiations. The white Ministers will be nominated by the Prime Minister. The chairmanship of the Ministerial Council will alternate between black and white Ministers. The Prime Minister will nominate which white Minister shall take the chair and the heads of those delegations engaged in the negotiations will nominate which of the black Ministers shall take the chair in the sequence and for the period determined by the Ministerial Council.

(b) *Functions*

- (i) The Ministerial Council will operate on the Cabinet system. For each portfolio, or group of portfolios, there will be a black and a white Minister who will share responsibility.
- (ii) The Ministerial Council will be responsible for initiating legislation and for supervising the preparation of such legislation as may be directed by the Executive Council.

- (iii) The Ministerial Council will make recommendations to the Executive Council on all matters referred to it by the Executive Council and on any other matter it thinks fit.
- (iv) Decisions of the Ministerial Council will be by majority vote and subject to review by the Executive Council.

3. *Parliament*

- (a) Parliament will continue to function during the life of the Transitional Government and will meet for the following purposes as and when the Executive Council considers it should be summoned:
 - (i) To pass a Constitution Amendment Act, enabling Ministers who have not been elected to Parliament to serve for periods in excess of four months.
 - (ii) To pass legislation for the registration of voters.
 - (iii) To pass the 1978/79 Budget.
 - (iv) To enact any legislation or deal with any other matter brought forward by the Transitional Government (e.g. for the further removal of discrimination).
 - (v) To enact the new Constitution.
 - (vi) To nominate 16 whites for election by voters on the common roll to eight of the seats reserved for whites.
- (b) The work of the various Select Committees and of the Senate Legal Committee will proceed as normal.

E. It is also hereby agreed that Independence Day shall be the 31st December, 1978.

Signed at Salisbury this third day of March, 1978.