

BRITAIN AND RHODESIA

# Settlement Proposals

— an explanation

British Commission on Rhodesian Opinion





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We, who are members of the British Government's Commission, wish to tell you about the proposals for the future government of your country. After telling you what these are, we shall ask you whether you accept them. If you do accept, then the present dispute will end and Britain will declare to all the world that your country is now independent. If you do not accept, then things will continue as they are at present and how this will turn out no one can easily say. We will explain all this more clearly so that you can understand and decide. It is for you, the people of Rhodesia, to say whether you accept or reject the proposals. Britain will agree to what the people of Rhodesia as a whole may decide.

These are the proposals:

- Rhodesia will become an independent country.
- The British Government will give up its claim to make laws for your country.

## THE PROPOSALS

### The Government

If these proposals are accepted by you and are brought into force then your Government will be formed like this:

There will be as now a President who is the Head of the country, and two Councils—the House of Assembly and the Senate. Together they will make up Parliament which will make the laws.

### The House of Assembly

The House of Assembly is very important because it will choose the Prime Minister and the Government.

In the House of Assembly there are now 50 European Members and 16 African Members.

At present the Europeans who have the right to vote choose all the European Members of Parliament. Africans who have the right to vote elect some of the African Members but Chiefs, Headmen and Councillors also choose some of the African Members.

If you accept the new proposals, the total number of African Members chosen in various ways should in time equal and then outnumber the European Members. The African Members could then choose the Government. They could make new laws and change old ones. They would control the Government. All this cannot happen at once and we cannot say how many years it will take. But it will come about by steady steps.

Rhodesians Worldwide

### Choosing Members of Parliament

There will be four ways to choose Members of Parliament for the Assembly:

- Those Africans whose names are on the **African Lower Roll** will choose eight Members as at present. Their numbers will not increase now. But they may increase in the future. We will explain this later.
- **Chiefs, Headmen and Councillors** sitting together in various places as they do now will choose eight other African Members. Later on there will be more.
- The Europeans who are registered on the **European Roll** will vote for 50 European Members as at present.
- There will be a new **African Higher Roll** with the same rules as the European Roll. Africans who are able to vote on this roll will elect African Members of the House of Assembly. As more Africans register their names on this higher roll so the number of African Members of the Assembly will increase. We will explain this later.

### The African Lower Roll

The present rules will be widened so that more people will be able to vote. If you are a Rhodesian African—either a man or a woman—and if you can show

that you earn or own something substantial and are educated or are of a certain age or standing, then you can apply to be registered to vote. You can have your name registered on the Lower Roll if—

- you have been earning \$50 a month for the last two years or you own a house, building, farm or land worth \$1 100  
or
- you are over 30 years old and you have been earning more than \$36 a month for the last two years or own a house, building, farm or land worth \$800  
or
- you have finished a primary school course and are over 30 years old and you have been earning \$25 a month for the last two years or own a house, building, farm or land worth \$600  
or
- you have been at a secondary school for two years or more and you have been earning \$25 a month for the last two years or own a house, building, farm or land worth \$600  
or
- you are a kraal head with at least 20 heads of families.

Not many women can earn so much money or own so much property. But wives can also claim to vote if their husbands can vote and if they themselves have been to primary or secondary school for the time laid down in these rules. Only the first wife can claim to vote in this way.

You must register first before you can vote. A Government Officer can help you to register, if you wish. If you are registered you can vote for one candidate.

There will be a number of candidates for the four places in Matabeleland and for the four places in Mashonaland. Candidates for these eight places in the Assembly must be registered voters.

### **The African Higher Roll**

This is the new roll which will be made if you accept the proposals. It is very important.

You can register your name on the African Higher Roll if you are a Rhodesian African—man or woman—and if—

- you have been earning at least \$150 a month for the last two years  
or
- you own a house, building, farm or land worth \$3 600  
or
- you have been at secondary school for at least four years and you have been earning \$100 a month for the last two years or own a house, building, farm or land worth \$2 400.

Wives can also claim to vote if their husbands can vote, but they must have been to secondary school for four years where this is part of the rules. Only the first wife can claim to vote in this way.

A person who wishes to be a candidate must himself be registered on the African Higher Roll.

## **Increase of African Members**

The increase in the number of African Members will depend on the number of voters registered on the African Higher Roll. The more voters who register the greater will be the number of African Members. This will come to pass as more Africans successfully complete secondary education and obtain better-paid jobs. But they must register their names on the Higher Roll.

At present there are about 90 000 Europeans whose names are registered on the European Roll. They elect 50 Members of the House of Assembly. This number of Members will not increase even if the number of European voters increases.

At present there are 16 African Members of Parliament. The voters on the African Lower Roll elect eight. The Chiefs, Headmen and Councillors choose eight. In the future there will be more Members whom the Chiefs, Headmen and Councillors choose and new Members whom the voters on the African Higher Roll elect. This is how it will happen:

Twice a year officials will count the number of Africans who are registered on the African Higher Roll and the number of Europeans who are registered. In order to increase two African places the number of Africans registered must always be an additional 6% of the total number of Europeans registered at that time. At the present time—

- If about 5 500 Africans are registered on the Higher Roll there will be places for two more Africans in the House of Assembly
- If there are about 11 000 Africans registered then there will be places for four more Africans
- If there are about 16 500 Africans registered then there will be places for six more Africans.

This will continue until there are as many voters registered on the African Higher Roll as on the European Roll and as many African Members in the Assembly as Europeans.

New Members will be elected in two ways. Voters on the African Higher Roll will elect the first two new African Members. Chiefs, Headmen and Councillors will choose the next two African Members. When another two places become available for African Members the voters on the Higher Roll will elect them and the Chiefs, Headmen and Councillors will choose the next two in their turn. This will continue until there are 34 more African Members in the Assembly which, together with the 16 present Members, will make up 50 in all—equal to the number of Europeans.

## **Members Chosen by Chiefs, Headmen and Councillors**

When this time is reached and there are equal numbers of European and African Members, there will be eight Africans elected on the African Lower Roll, there will be 18 elected on the African Higher Roll and there will be 24 chosen by the Chiefs, Headmen and Councillors. At this time the African voters on the Lower and Higher Rolls together will have to make a choice.

They may agree that the Chiefs, Headmen and Councillors shall continue to choose 24 African Members. Or they may agree that these seats be abolished and replaced by 24 more elected members.

Parliament may decide to reserve up to six seats to represent voters on the

African Lower Roll. If not, then voters on the African Higher Roll will elect all these 24 members. A majority in Parliament must pass these laws which must include a majority of the 50 African Members then in the Assembly (8 elected on the Lower Roll, 18 on the Higher Roll and the 24 chosen by the Chiefs, Headmen and Councillors).

### **The Common Roll**

The new Constitution will arrange for 10 new places to be made in the Assembly. This will happen at the next General Election after the numbers of African and European Members become equal. The Constitution will say that all the European voters and all the Africans on the Higher Roll will vote together on a Common Roll for 10 members to fill these places.

But before this comes about there will be a Commission to find out whether the people of Rhodesia want some other arrangement. The Commission will have equal numbers of Africans and Europeans under someone with the experience of a Judge. They cannot delay but must make their report within one year. Whatever the Commission may suggest only Parliament can make a change. If Parliament does not decide to make a change, then the 10 new places will be added at the next Election as provided in the Constitution.

As time passes more Africans will be able to vote on the Higher Roll and they will come to outnumber the Europeans. They will then be able to win the bigger share of these 10 new places. When this happens there will be more African members than Europeans in Parliament and they will be in a position to choose the Government.

### **The Senate**

So far all that we have told you is about the House of Assembly. There is also the Senate. Its powers are not so wide as the Assembly. No change will be made in the numbers of the Senate and it will remain as it is now, that is—

- 10 Europeans chosen by European Members of the House of Assembly
- 10 African Chiefs—five from Matabeleland and five from Mashonaland chosen by the Councils of Chiefs
- 3 named by the President.

### **Change in the Constitution**

It will not be easy to change the most important parts of the Constitution or the law about elections. For a change to be made three things must happen:

- In the House of Assembly two-thirds of all the Members must vote for the change
- In the Senate two-thirds of all the Members must vote for the change
- Until there are as many Africans in the House of Assembly as Europeans, a majority of the African Members and a majority of the European Members in the Assembly must each separately agree to the change.

Unless these rules are obeyed there can be no changes in the following matters:

- The new arrangements for the House of Assembly
- The numbers of Members of the House of Assembly
- The ways in which the Members of the House of Assembly are elected
- Who can register to vote
- Who can be a candidate for election
- The way in which Chiefs, Headmen and Councillors choose some Members of the House of Assembly
- The rule for changing financial qualifications for voting to take account of rising prices
- Arrangements affecting a declaration of Emergency
- The Declaration of Rights.

The Rhodesian Government have said that during the first three years of the Constitution, or until the first two additional Africans have taken their places in the House of Assembly, if this is earlier, they will not make or support any important changes in the Constitution.

## THE RIGHTS OF INDIVIDUALS

### **Declaration of Rights**

When the British Government have given independence to other countries they have also given a Declaration of Rights. This Declaration protects everyone who is not breaking the law from unjust interference. This Declaration itself becomes part of the law of the country.

In 1961 there was a Declaration of Rights in your Constitution. Then the Courts protected these rights and people could go to the Courts to ask for protection. Once the 1961 Constitution came into force the Courts could over-rule any new law which broke the Declaration of Rights. It would cease to be a law.

The 1969 Constitution also had a Declaration of Rights. This was less strong than the old one because people could not go to the Courts to ask for protection.

Both the British and the Rhodesian Governments have agreed to restore the power of the Courts to protect your rights under the Declaration. To do this the Constitution will be changed and there will be a new Declaration of Rights very like the one in the Constitution of 1961. If the Courts find that any new law breaks the rules of the new Declaration, then they can say that such a law has no power. The Courts cannot deal with existing laws. But a special Commission will examine the existing laws. We will explain their work to you later.

What are these rights?

- If you have done no wrong in the eyes of a court you have a right to be free
- If you have a right to property this right cannot be taken away without the power of the law
- You have the right to follow any religion you may believe in and to think your own thoughts
- You may go to lawful meetings and say peacefully what you feel or think.

The Declaration and the Courts seek to protect these and other rights. In all these things, of course, you must obey the law—you have no right to use violence or to harm the rights of others, or to damage their property. People who break the law will be punished under the law. The new Declaration of Rights will not prevent a future Government in Rhodesia declaring another Emergency if the country is in danger but it will limit the period of the Emergency more strictly.

The new Declaration will not prevent the Government from detaining people without trial who would otherwise threaten the peace of the country but it will give more protection to the interests of detainees. The new Declaration of Rights will also check any extension of racial discrimination in the future.

We have not tried to tell you everything in the Declaration of Rights. It is very long. It is written in the language of the Courts. It is not easy to read. To understand it you need the help of men with special training in law.

When we see you, we and our Commissioners will explain the Declaration of Rights to you, and will consider any questions which you may ask.

### **State of Emergency**

If the Government have declared an Emergency, then the House of Assembly must be asked to approve this. At present this approval must be renewed every year. In future the Assembly must renew its approval every nine months so that the Government cannot use the special powers for longer than is really necessary.

The Rhodesian Government say they want to do away with the present Emergency as soon as possible. Unless there is new trouble which they do not now expect they plan to end the Emergency as soon as sanctions against Rhodesia come to an end.

### **Rhodesians who have left Rhodesia**

A number of Rhodesians have left Rhodesia. If Britain and Rhodesia settle their dispute these people will be free to return. If they have not committed a crime against the law the Rhodesian Government will not penalise them. But if any person returns who has committed a criminal act against the country, then the Rhodesian Government may take that person to court.

### **Detainees**

There are now 62 persons who are still in detention. If these proposals are accepted and there is an end of the dispute a Judge of the Rhodesian High Court assisted by others, as at present, will examine whether they also can then be released. Someone appointed by the British Government, after agreeing with the Rhodesian Government, will attend the cases to watch what is done. The authorities must carry out what the Judge and the others decide. The hearing of these special cases will start as soon as possible after our Commission have finished their work.



## RACIAL DISCRIMINATION

### Special Commission

If the British and Rhodesian Governments settle the dispute between them, the Rhodesian Government have promised to take steps to end discrimination between races in Rhodesia. This will take time.

First there will be a special Commission of three men appointed to examine all the present laws which make for racial discrimination. The special Commission will also look at:

- The rules made under the law
- The ways in which the Government carry out these laws and rules.

The special Commission is to care for the interests of all the people of Rhodesia whatever their race or tribe.

The special Commission will be independent. The British Government and the Rhodesian Government will together agree on the selection of the three men. One of them will be an African.

When this special Commission have finished the work of examining the laws they will produce a report. This report will be printed for all people to read. The Rhodesian Government have said that the report of the special Commission will be very important and that they will bring to Parliament and support any changes in the law which may be needed to do what the special Commission recommends. There is only one exception to this. If they see that there are overriding considerations which any government anywhere would have to take into account, then they cannot promise to do this.

We have already explained that the work of the special Commission will be to examine all the present laws which make for racial discrimination. They will look closely at the law and working of the Land Tenure Act. They will consider many important matters, including the following:

- At present African lawyers and doctors and others with professional qualifications cannot freely work in European areas unless they are employed by Europeans. The special Commission will examine these rules.
- At present Africans cannot freely visit European areas to attend schools and hospitals for all races. The special Commission will examine these rules.

### Land

For people who live by farming, land is an important possession. This is true for Africans and for Europeans. Because land and its use are so important to people as a whole the special Commission will examine how land use can be controlled. They will try to suggest a fair way of sharing the land and its use between Africans and Europeans according to their needs. It may be possible to set up an independent Board to find answers to land problems when they arise.

The Rhodesian Government say that at the present time there is still land both in the Tribal Trust Areas and in the Purchase Areas which Africans could use. The Rhodesian Government say that under the present law more land can be made available for African use. They will make this land available when it is needed. The British Government have agreed that if the dispute is settled they will provide money to help to improve the land at present being used by Africans. They have also said that if new land is set aside for Africans they will

provide money to help to improve the new land. The Rhodesian Government have said they will do the same thing.

The Rhodesian Government have made a promise about present arrangements. They have promised that while the special Commission is carrying out its work of examining the law relating to racial discrimination they will not move any Africans from the Epworth and Chishawasha Missions. This matter will be settled after the special Commission make their report. The Rhodesian Government have said that they may move some Africans living in forest or park areas who should not be there but that for the time being they will not move African tenants living in other areas. The Rhodesian Government will wait for the advice of the special Commission before they decide what to do.

### **Jobs in Government Service**

The Rhodesian Government have said that they will give Government jobs to the people who have the best qualifications and experience regardless of their race.

The Rhodesian Government have also said that they will seek to improve the ways of training Africans so that they can compete on equal terms with people of other races for Government jobs.

### **DEVELOPMENT PROGRAMME**

If Britain and Rhodesia end the dispute then Britain will provide up to £5 million each year for 10 years to help to improve the Tribal Trust Lands and the African Purchase Areas, and to help to improve education and employment opportunities for Africans. The Rhodesian Government have also agreed to provide more money for these purposes. This money will be in addition to the money now being spent on education, housing and development for Africans.

The British Government and the Rhodesian Government will discuss and agree how to spend the money. They will make the plans and together they will agree how to carry out those plans. They will consider projects for bringing water to the farms; for improving farming methods; for new factories, roads and so on in the Tribal Trust Lands and African Purchase Areas. In education there will be more money for agricultural and technical training; for training teachers and administrators; and for primary, secondary and higher education.

The British Government will want to be sure that what is done will improve the standards of education for the Africans, make more jobs and will help to improve things for the future.

### **ARRANGEMENTS FOR ENDING THE DISPUTE**

The British Government are willing to end the dispute with Rhodesia if they are sure that the people of Rhodesia as a whole are in favour of accepting the proposed agreement.

The Rhodesian Government must then change the Constitution in the way which we have described and start doing certain other things which they have promised.

The British Government will then ask the British Parliament to pass a law to give Rhodesia independence as a Republic. When all these things have happened Britain will end sanctions against Rhodesia.