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### A COMMENTARY ON THE PRESIDENT'S ZIMBABWE RHODESIA STATEMENT

On June 7 President Carter issued a statement saying that he had decided not to lift sanctions against (Zimbabwe) Rhodesia. Certain extracts from the President's statement are printed below, with comments.

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*I am .... convinced that the best interests of the people of Rhodesia would not be served by the lifting of sanctions.*

The Prime Minister of Zimbabwe Rhodesia, Bishop Muzorewa, comments as follows: -

"I wonder in what way it is in the interests of the people of my country to be subjected to sanctions which deny them the right to trade freely, which deny them employment opportunities and which deny them increased educational opportunities."

*The elections were held under a constitution that was drafted by and then submitted only to white Rhodesians, only 60% of whom approved it. The black Rhodesians who constitute 96% of the population never had a chance to vote for or against this constitution.*

The Prime Minister comments as follows: -

"The facts are that the Constitution was drafted by a committee of legal experts representing the three black parties and one white party comprising the Transitional Government.

"The white referendum in January was held because of an election promise by Mr. Ian Smith to his white electorate, and it overwhelmingly approved the transfer of power from the minority to the majority. Furthermore, the official team of British observers who monitored the April election, led by Lord Boyd, reported that the high percentage poll demonstrated a significant judgment on the constitutional basis of the election and they affirmed that the election did, in fact, constitute a referendum on the constitution itself."

More than 70% of Rhodesia's White, Coloured and Asian voters turned out to vote in the January referendum. Approximately 84% of those voting expressed approval of the new constitution.

There is no provision for a referendum in the defunct Anglo-American proposals.

*The constitution preserves extraordinary power for the 4% white minority. It gives this small minority a vastly disproportionate number of votes in the Parliament; continued control over the army, police, judiciary and civil service; and a veto over significant constitutional reform.*

The comment of Bayard Rustin, civil rights leader and observer of the Rhodesian elections, is relevant: -

"I do not think your constitution is ideal, but neither was the American constitution when it was established. It did not permit black, women or poor people to vote and it did not contain a Bill of Rights. If black Rhodesians are prepared, and they are in great numbers, to go out and vote for a constitution I do not particularly like - that is that there should be twenty-eight seats - that is their business."

The essence of self-determination for Zimbabwe Rhodesia is that the method by which the country is governed should be determined by the country's citizens and not by the governments of Britain, America, Nigeria or the so-called frontline states. Zimbabwe Rhodesia's constitution is a contractual agreement negotiated between one white and three black political parties in March, 1978 and endorsed by a 64% voter turnout in April, 1979. The minority safeguards approved by blacks (and there were similar safeguards in the Anglo-American plan) were considered desirable during a transitional period to preserve white skills and confidence in circumstances which in neighbouring African countries had led to white flight and economic disintegration.

It is worth noting that transitional constitutional arrangements in other African countries have given far greater political power to minority groups. In Tanzania (1960) 30% of the seats in the legislature were reserved for minority groups representing one percent of the population. In Kenya (1960) 30% of the seats in the legislature went to minority groups totalling 4% of the population.

The United States constitution gives 34% of the seats in the Senate to the 6.7% of the population that happens to live in the seventeen least populous states (1970 census). That 34% has absolute veto power over any proposal to amend the constitution.

It is unreasonable to cavil about constitutional devices which curb the power of simple majorities to effect radical constitutional change. The U.S. constitution is loaded with far more elaborate devices than are contained in the constitution of Zimbabwe Rhodesia. Such devices are the essence of minority safeguards. They protect against the capricious whim of majorities to overturn the contractual political order. To protest them is to

protest that a horse is a horse.

It is quite inaccurate to say that the constitution gives the white minority continued control over the army, police, judiciary and civil service. What the constitution does is to provide that the management, not the political control, of those agencies will be in the hands of persons of proved competence and experience, who for a while for obvious reasons will be white. The functioning of those agencies will be under the control of predominantly black political ministers. There is nothing in the constitutional arrangements to preclude the rapid advancement of blacks, though the arrangements are designed, with the approval of blacks, to ensure that advancement is linked with capability.

It is worth recalling that in 1969 the U.S. Senate adopted by a vote of 77-3 a resolution offered by Senator Cranston declaring it to be the sense of the Senate that "when the United States recognizes a foreign government and exchanges diplomatic representatives with it, this does not of itself indicate approval of the form, ideology or policy of that government."

*While the Case-Javits Amendment called for the free participation of all political groups in the election, the internal wings of opposing parties were banned. They were unable to participate in the political process; they were prohibited from holding meetings or political rallies or advertising their views in the news media.*

It has been made abundantly clear on innumerable occasions that the leaders of the Patriotic Front were invited: -

- (a) to participate in the constitution-making process of March, 1978;
- (b) to take seats in the Executive Council of the Transitional Government; and
- (c) to contest the April, 1979 elections. All these invitations were rejected. The leadership of the Patriotic Front said it would continue to pursue its political objectives by violence, and it threatened to destroy the electoral process.

Documentation is available from the Zimbabwe Rhodesian Information Office.

After the Patriotic Front shot down a civilian airliner, with considerable loss of life, in September, 1968, the organisation's internal wings, ZAPU and ZANU, were banned. The government nevertheless continued to hold open the door to them to participate in the elections, and made it clear that if they wished to participate peacefully in the electoral process the ban would be immediately lifted.

It is a gross distortion of reality to pretend that the Patriotic Front were not given any encouragement and opportunity to participate in the elections. The plain fact is that they excluded themselves. In doing so they failed totally to accomplish their avowed objective of destroying the elections, and they failed to prevent Bishop Muzorewa from obtaining an outright majority of the votes cast in heavy (64%) polling.

*The Rhodesian authorities have expressed their willingness to attend an all-parties meeting, but they have not indicated that they are prepared to negotiate seriously about "all relevant issues," as our law specifies.*

On October 20, 1978 the four members of the Executive Council of Rhodesia's Transitional Government (Chirau, Muzorewa, Sithole and Smith) met in Washington with representatives of the British and American governments. They discussed attendance at an all-parties conference and agreed upon an agenda proposed on the British-American side. The U.S. record of the meeting contains the following statement by the Acting Secretary of State, Mr. David Newsom: -

"I feel that, unless there are other points to be made, we have understood today your willingness to attend an all-parties conference on the basis of no pre-conditions and adequate preparation, and that you have with us identified these elements which should form the subject matter of a discussion at such a meeting."

It was understood on the Rhodesian side that a conference would quickly be called. It never has been, obviously because the Patriotic Front refused to participate.

*We will, of course, continue to keep the question of our observance of sanctions under review. Along with the British, we will particularly look for progress towards a wider political progress and more genuine majority rule.*

It is interesting, in the context of the President's reference to "a wider political process", to note that Robert Mugabe has "virtually ruled out the possibility he ever would agree to participate in any future elections with Zimbabwe Rhodesia's first black prime minister, Bishop Muzorewa" (THE WASHINGTON POST, June 9). He said, according to the newspaper report, that a new round of negotiations over Zimbabwe Rhodesia sponsored by London and Washington would have to be held directly between the guerrillas and Britain to the exclusion of Muzorewa's popularly elected government. Mugabe would not consider any proposals "to marry" the Patriotic Front to the Muzorewa government.

June 11, 1979.