Dear Friend:

Enclosed is a summary analysis of the new Constitution approved by white voters-only in Rhodesia. It is under this Constitution that elections scheduled for April 20th will take place for an "independent" country to be called Zimbabwe/Rhodesia. The President of the United States will have to decide whether these elections fulfill democratic conditions sufficiently to warrant our country calling off economic sanctions imposed by the United Nations in 1966, and perhaps even to recognize the new government.

We believe the new Constitution does not fulfill conditions for majority rule. As the enclosed analysis indicates, the Constitution is designed to perpetuate minority control over key aspects of government. Further, how can fair elections be held when 90% of the country is under martial law? It is certain that the election process will be rejected in most of Africa.

We hope you will let the President and the Secretary of State know your own feelings. Also it is important to let your Senators and members of Congress know your position.

Sincerely,

George M. Houser
Executive Director
The "New" Rhodesian Constitution:
The Illusion of Majority Rule
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The Illusion of Majority Rule

Ian Smith and his black associates in the 'internal settlement' have drafted a constitution which it is claimed will guide Zimbabwe to majority rule. Instead it represents a design for the continuation of white power for at least the next ten years, despite its human rights language. Faced with overwhelming odds on the military front, 67,000 of Rhodesia's registered white voters approved the constitution in a January 30th referendum. The black majority had no similar vote in accepting or rejecting the document.

The American Committee on Africa regards as illusory this so-called plan for majority rule. Our position is based on the following analysis of the proposed constitution.

Chapter 1: The State

By naming the country Zimbabwe-Rhodesia, whites assert the continuation of racism through the legacy of Cecil Rhodes.

Chapter 2: Head of State

The President will not be elected by the people, but will be appointed by the legislature for six years. Since the constitutional plan for the legislature insures white power, the President will have to be someone that whites approve and who will serve white interests.

Chapter 3: The Legislature

This is to consist of a President and Parliament, made up of a House of Assembly and a Senate. The allocation of parliamentary seats is grossly disproportionate to the population distribution. Whites, at most 4 percent of the population, will have a guaranteed twenty eight percent of the seats in the House of Assembly and one third of all Senate seats.

a) The House of Assembly will have one hundred members - 28 reserved white seats and 72 black seats.

The 72 black representatives will be elected by voters on the Common Voters Roll, which means that whites will also vote for the black candidates, allowing them to consolidate against any 'undesirable' black contender. For the first election black members will not be elected on a constituency basis, but on a party-list system, with seats allocated regionally in a way that seems deliberately aimed at deepening inter-African tensions.

The 8 provinces to which the constitution apportions blocks of seats are mostly dominated by heavy concentrations of a particular ethnic group - thus Matabeleland North (10 seats) has a heavy Ndebele population, Mashonaland Central (5 seats), East (15 seats) and West (6 seats) have major concentrations of the Zezuru and Korɔro groups, Victoria (10 seats) is an area with a dominant Karanga population. The current allocation of seats on a province rather than constituency basis is aimed at encouraging
divisions among Africans in the face of white unity.

Twenty of the twenty eight white members will be chosen by whites-only voters on the White Voters Roll voting on a constituency basis. The remaining 8 whites will be elected by the seventy two blacks plus twenty white members from 16 nominations put forward by only the white members of the House of Assembly.

b) The Senate will have 30 members. White representation will be even more disproportionate to the population distribution than in the House. Whites are guaranteed 10 of the 30 seats to be elected by the 28 white House members. Of the 20 black seats, 10 will be elected by the 72 black members of the House and 10 will be Chiefs elected by the Council of Chiefs (5 from Mashonaland and 5 from Matabeleland). This continues the divide and rule strategy referred to above, at the same time giving significant influence to the most conservative element amongst the African people, Chiefs being, in practice, government appointees.

Chapter 4: The Executive

The President will not be chosen by the majority of the citizens of Zimbabwe, but will be appointed by the heavily white-influenced Parliament. The President acts on the advice of the Executive Council and the Executive Council is composed of Ministers appointed by the President. The constitution provides that Ministers must be appointed proportionally from each political party represented in the House by 5 or more seats. This effectively guarantees the whites at least a quarter of all ministerial positions. Given the likelihood of a number of black parties, each with some cabinet members, this is likely to give the white block a predominant voice in the Executive Council.

Chapter 5: The Judicature

White control of the judicial system is assured. The President will appoint the Chief Justice and other judges. However, to qualify for judicial appointment the person must have been an advocate in Rhodesia for ten years, or must already have been a judge in a country where the common law is Roman-Dutch and the official language is English. This excludes all of Africa except for those countries directly under South Africa's influence - that country itself having such a Roman-Dutch system. Few if any Africans can qualify as judges under these provisions. In addition, judges can only be removed by action of a tribunal. This tribunal will consist of 3 persons - 1) a retired high court judge, 2) judges or retired judges of Roman-Dutch common law countries, and 3) an advocate or attorney of 10 years standing. Again it seems likely that only whites will qualify for membership of the tribunal.

If there are grievances against the judicial system, the Judicial Service Commission will hear the complaints. That Commission will consist of 2 judges and the Chairman of the Public Service Commission. This insures that grievances the majority black population may have about judicial injustice will be adjudicated by white officials. The body of law to be administered by the courts is the system currently operating in the country, which is based on the colonial law of the Cape of Good Hope and subsequent amendments.
Chapter 6: Commissions and Public Offices

The Police and the Defense Forces will also continue under white control. The President will appoint the Police Commissioner. However, the white-controlled Judicial Service Commission will recommend the candidate. In addition, to qualify for Commissioner, the person must have held the rank of Assistant Commissioner in the Police Force for at least 5 years, which would currently exclude blacks. Like the Judicial Service Commission, the Police will also have a service commission to hear public grievances. To insure white dominance, all the members of this commission must have held the rank of Assistant Police Commissioner for at least 5 years. Once again, if the masses have complaints concerning police actions, their grievances will be heard by a white dominated commission.

The Defense Forces follow the same pattern. The President will appoint the Commanders of the Army and the Air Force. However, the President will act on the recommendation of a board consisting of the retiring Commander (white), one of the other commanders (white) and a third member. Grievances concerning the Defense Forces will be heard by the Defense Forces Services Commission. Once again, this commission will consist of at least half former officers of the rank of Colonel for at least 5 years which assures white control, as the Rhodesian army only commissioned its first ever black officers, thirteen of them, in June 1977.

Chapter 7: Finance

All funds will be aggregated into one Consolidated Revenue Fund. All expenditures will require the authorization of Parliament. This gives whites a disproportionate authority in how public revenues are to be spent in Zimbabwe.

The constitution specifically provides for the protection of the pension rights of public officers and former public officers, almost all of whom are white. Thus black taxpayers will be expected to pay for the administration of racism even after the achievement of so-called majority rule. In addition, present civil service, police and military personnel are encouraged to "stay on" in order to insure their pension rights.

Chapter 8: Declaration of Rights

The constitution contains a declaration of human rights following on the sections which entrench white control of the vital state structures, thus perpetuating the privileges of a few and denying the rights of the majority of the people of Zimbabwe. Given the continued white control of the legislative, judicial, military and civil structure, this "Declaration of Rights" which sets out the right to personal liberty, protection from slavery and forced labor, protection from discrimination and the freedom of expression and movement, inevitably appears meaningless.

However, there is one declared right that is meaningful to whites. No person's property can be compulsorily acquired. This clause is added in the obvious white fear that blacks will demand what is rightfully their proportion of the land now 50% controlled by whites.
Only the High Court, which will be white-controlled, can authorize that property be acquired for the public interest if it has not been substantially put to use for at least five years, excluding any time accounted for by the current war.

**Chapter 9: Citizenship**

While declaring that all persons will be citizens of Zimbabwe-Rhodesia persons can also retain dual citizenship. This gives whites the opportunity to move back and forth between Zimbabwe and their countries of origin.

**Chapter 10: Ombudsman**

This one person will be responsible to investigate complaints against the Government or local authorities. The President will appoint the Ombudsman on the advice of the white-controlled Judicial Service Commission.

**Chapter 11: Entrenchment**

The major provisions of the constitution and several significant segregationist laws are carefully entrenched. Changes will require 78 votes - blacks have only 72 votes in the House.

At the end of ten years, a Commission will be set up to "review" the question of retaining the disproportionate 28 white seats in the House. The Commission will consist of the Chief Justice, 2 members elected by the 28 white members of the House, and 2 members appointed by the President. This means that the Commission to decide the fate of whites in Parliament will be made up of a majority of whites.

If the Commission recommends that the white seats be abolished or reduced, then at least 51 of the House members must approve the recommendation. At that point the 72 black seats would no longer be reserved for blacks. However, there is no constitutional directive if the Commission affirms the continuation of 28 white seats. This means that a white group of three can perpetuate this injustice without the approval of the legislature for an indefinite period.

**Chapter 12: General**

The Council of Chiefs will be retained, which is an attempt to continue to encourage divisions among the people of Zimbabwe.

This clause also specifically provides that pensions of persons who participated in the white supremacist regime, but fled the country, will be paid to them.
There is not a single article/chapter in this proposed constitution which demonstrates even the potential for a transition to true majority rule. Defying world opinion and basic human rights, Ian Smith and the minority white population have again demonstrated that they are determined to hold on to power for as long as possible. Thus any United States recognition of the legitimacy of this constitution or of the proposed April 20th elections to be held in terms of this constitution will be an acceptance of white supremacy in Rhodesia. The people of Zimbabwe have shown, by their determined struggle, that they will settle for nothing less than full self-determination in their own country. The people of the United States should do no less than extend them full support in this struggle for liberation.

Truman Dunn
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The American Committee on Africa
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