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THE CAMPAIGN

The central feature of the Lancaster House Agreement was the commitment of all parties to settle their differences by political means, through free and fair elections. The resumption of British authority in Rhodesia was designed to provide them with an opportunity to do so on an equal basis, with the Governor being required to ensure that his authority, duly accepted by all parties, was effectively and impartially exercised. It was specifically provided that -

- "- the administration of the elections will be fair and impartial as between all the political parties taking part;
- peaceful political activity will be freely conducted by all the parties to the election;
- there will be freedom of movement, assembly and expression during the election campaign;
- all parties will conduct their political activities within the law;
- all the parties will have free and uncensored access to the public media to put their case to the people of Rhodesia, and there will be freedom to advertise and to publish political views in the press;
- appropriate measures will be taken to ensure the security of all parties taking part in the election campaign."*

Our comments on the election campaign are offered against this background.

THE ENVIRONMENT

The Lancaster House Agreement required a series of acts of faith by its signatories. In this sense, it was charting a wholly unprecedented course in attempting to resolve a major conflict. Much had gone unexpectedly well. More than 22,000 Patriotic Front forces had assembled with their arms, disregarding fears that by so doing they would become vulnerable to attack and decimation. The Commonwealth Monitoring Force was well established and universally praised. The cease-fire, though imperfect, was holding well, and the level of violence had dramatically declined.

Despite these achievements, the atmosphere on our arrival was one of tension and mutual recrimination. Charges and counter-charges abounded. Each party questioned the bona fides of the other; each wondered whether its separate acts of faith in terms of the Lancaster House Agreement had been misplaced; each cast doubts on various important aspects of the electoral process. On the official side it was alleged that a significant number of Patriotic Front forces (said in the case of ZANLA, the military wing of ZANU(PF), to amount to 4,000) had deliberately stayed outside the assembly places in order to terrorise the countryside and intimidate voters. On the

* See Annex 2.

side of the two Patriotic Front parties it was alleged that the Rhodesian Security Forces had never disengaged as envisaged in the Lancaster House Agreement; that Security Force Auxiliaries, who had moved into the Tribal Trust Lands vacated by Patriotic Front forces, were brutalising the people; that the continued presence of South African forces in the country was a direct violation of the Lancaster House Agreement; and that the whole weight of the official machinery, and of laws designed for other purposes, were being directed towards neutralising their political campaigns.

After making allowance for the suspicions and mistrust after so many years of armed conflict, it was nevertheless evident that a crisis of confidence was building up, which, if not defused, could jeopardise the holding of free and fair elections. We now turn to its various elements in relation to the election campaign.

THE LEGAL FRAMEWORK

Lord Soames assumed his duties as Governor on 12 December 1979, on which day Rhodesia was restored to legality and arrangements commenced which were to culminate in elections leading to independence. Among his first acts was the Proclamation of the Amnesty Ordinance 1979 (Annex 9). The effect of this Ordinance was to absolve from criminal responsibility those involved in acts of treason against the Crown as well as those who had breached the laws of the Rhodesian Administration by waging war. As provided for under the Lancaster House Agreement, existing legislation was accorded full force and effect as law. He also made provision by orders for interim constitutional arrangements, and, by the Election Commissioner and Election Council Ordinance 1979, established the Office of Election Commissioner and the Election Council to advise him. Modifications and adaptations to the Electoral Act 1979 were made so as to enable the Commissioner to exercise general supervision and control over the functions, other than the judicial functions, vested under the Act in the Registrar General of Elections and in other persons.

A number of amendments to the law were made, most, but not all, being germane to the elections. The Law and Order Maintenance Act (Amendment) Ordinance 1979 permitted the holding of public meetings on Sundays, and elections procedure was the subject of three separate Ordinances. Steps taken by way of statutory instrument reduced from seven to two the number of days notice required when applying for a permit to hold a public meeting; revoked orders banning the three pro-African newspapers, Moto, Zimbabwe Times, and Umbowo; and lifted proclamations declaring ZAPU and "ZANU (Mugabe)" to be unlawful organisations. By agreement, the Special Courts Martial whose activities had been the subject of criticism ceased to function from the time of the Governor's arrival.

In the course of the election campaign, two Ordinances were enacted which empowered the Governor to limit campaigning by individuals and parties in designated areas, and to disenfranchise voters, where he considered there to have been disruptive activity. The prospect of these Ordinances being invoked caused us continued anxiety and is a matter to which we return later.

Other measures included an Ordinance which empowered the Registrar-General to accept an application to contest the elections received outside the hours specified by law, an amendment rendered necessary by the failure to

tender the application to register the PF party in time. A second effectively stayed court procedures which had been commenced by the Reverend Ndabaningi Sithole against Mr. Mugabe over the use of the name ZANU. This step, although criticised by Mr. Sithole, appeared to us sensible as time would not have permitted the orderly disposition of these proceedings without the risk of seriously disrupting arrangements for the elections. In our view no confusion between the two parties resulted from this decision.

The only other Ordinance we would mention was enacted on 29 January 1980 and enabled amendments to the lists of candidates to be made. This had become necessary because when the lists were published, a number of persons not wishing to contest the elections had found their names among the candidates.

On 25 January 1980, to facilitate day-to-day administration during a period when Ministers of the former Administration were not exercising their powers, the unusual step was taken of conferring a range of ministerial powers on the Secretaries of certain departments. We were informed that two principles were applied in determining the range of powers to be delegated: first, no powers usually exercised by the President were so delegated; and second, where ministerial power was to grant permission for something to happen rather than to prevent it, the power tended to be delegated. Powers in sensitive areas were retained. For example, the Secretary of the Ministry of Law and Order was denied the power to consent to prisoners being extradited to South Africa. Similarly, although no changes were made to the laws concerning censorship and control of the media, jurisdiction under Section 45 (7) of the Emergency Powers (Maintenance of Law and Order) Regulations 1977 which concerned the publication of statements made by restricted or detained persons was withheld from the Secretary.

Underlying all these changes was the principle implicit in the Lancaster House Agreement, namely that the Governor's Administration was essentially a caretaker administration and that in general only such changes to the corpus of the law be effected as were seen to be necessary for the conduct of the elections (but no death sentences were carried out).

EMERGENCY POWERS

Although the Lancaster House Agreement envisaged the lifting of martial law before the elections took place, this did not occur and as a result elections were held under a state of martial law. This had been in force since 1978. From a legal point of view, however, it is at least arguable that a state of de facto martial law had existed in the country ever since the Indemnity and Compensation Act 1975 came into force on 3 October 1975. The main objects of this Act were to indemnify members of the Security Forces in respect of any acts done "in good faith" for the "suppression of terrorism" and to enable members of the public to obtain compensation in respect of such acts without waiting for the end of hostilities.

The common law position in Rhodesia regarding martial law was unchanged since it was summarised by G. Feltoe, writing in (1975) Rhodesian Law Journal 167, as follows:-

- (i) When a state of war or of insurrection, riot or rebellion amounting to war exists (a Government) may use the amount of force necessary in the circumstances to restore order. This use of force is sometimes

termed 'martial law'. A formal proclamation of martial law does not have to be made for martial law to exist.

The right to administer force against force in actual war does not depend upon the proclamation of martial law at all. It depends on the question whether there is war or not. A proclamation of martial law is merely a notification to all concerned that the right in question is about to be exercised and along certain lines. It is merely an indication to all civilians, so far as they may have been in any doubt, as to what condition does in fact prevail.

(ii) When a state of actual war exists the civil courts have no authority to call in question the actions of the military authorities, but it is for the courts to decide, if their jurisdiction is invoked, whether a state of war exists which justifies the application of martial law.

(iii) The powers, such as they are, of the military authorities cease and those of the civil courts are resumed ipso facto with the termination of the state of war, and, in the absence of an Act of Indemnity, the civil courts may inquire into the legality of anything done during the state of war. Even if there is an Act of Indemnity couched in the usual terms, malicious acts will not be permitted.

By placing the armed forces outside the control of the courts in the way it did, the Administration had already created a de facto state of martial law, so that the imposition of de jure martial law added no new powers to the defence forces' arsenal other than the constitution of courts martial. Nor by the same token was the passing of the Indemnity and Compensation Act a major point of change, as the powers of detention were already such that access to the courts by persons aggrieved by the activities of the Security Forces had fallen into disuse. Power was laid on power so that little change would have been effected by the lifting of martial law.

The country had also been under a State of Emergency since before UDI. This had never been lifted, and was in fact extended by the Governor for a further six months, from 26 January 1980.

Central to the State of Emergency had been the Law and Order Maintenance Act 1960. When this was first passed, it was described by one legal writer as marking "the climax to a hectic decade of security legislation in Southern Rhodesia. It repealed the Subversive Activities Act, the Public Order Act and the Sedition Act, and yet, in its scope and consequences, it was more drastic than the former three Acts put together." The Act was seen as being so extreme that the then-Federal Chief Justice, the late Sir Robert Tredgold, resigned in protest before it became law and observed that if the Act was needed it was time for Europeans to pack their bags and leave the country.

The Act was extensively amended over the years, particularly since UDI, and a wide range of security regulations was passed under it. To begin with, the thrust of the legislation was to prevent violent political disorder in urban areas. Subsequently, with the advent of the guerrilla campaign, a host of new security provisions, coupled with greatly increased penalties for existing offences, was used to bolster military action against the activities of the guerrillas.

The Law and Order (Maintenance) Act (Cap. 65) provided for strict control over public processions, gatherings and meetings; it empowered the Administration to ban newspapers etc., and imposed restrictions on a wide variety of activities, to the extent of even penalising persons who undermined "lawful authority". Section 41 reads:-

- (1) Any person who, without lawful excuse the proof whereof lies on him, utters any words or does any act or thing whatsoever which is likely -
 - (a) to undermine or impair the authority of any public officer or class of public officer; or
 - (b) to engender feelings of hostility towards any public officer or class of public officer; or
 - (c) to expose any public officer or class of public officer to contempt, ridicule or disesteem;

shall be guilty of an offence and liable to a fine not exceeding two hundred dollars or to imprisonment for a period not exceeding one year.

- (2) For the purposes of subsection (1) - "public officer" means -
 - (a) a person employed by the State;
 - (b) the holder of a paid office in the service of a local authority;
 - (c) a chief, headman or head of kraal;but does not include a police officer.

Section 44 imposed severe penalties of up to five years' imprisonment on persons who, by any means, made "subversive statements", the definition of which included:-

- "(e) to engender or promote feelings of hostility to or expose to contempt, ridicule or disesteem any group, section or class in or of the community of a particular race, religion or colour."

Any possibility of non-violent civil disobedience bringing about social change had been effectively outlawed by the Preservation of Constitutional Government Act 1963 which prescribed a maximum penalty of twenty years' imprisonment for any such behaviour.

The legal machinery to control meetings, to outlaw dissent and to restrict the flow of information was further buttressed by the Emergency Powers (Maintenance of Law and Order) Regulations 1977. These Regulations, made under Section 3 of the Emergency Powers Act (Cap. 83), inter alia empowered the Minister of Law and Order where it appeared to be "expedient in the interests of public safety and public order" arbitrarily to order a person to be detained indefinitely. A person so detained by Ministerial Order had the right to apply to a Review Tribunal. We were informed that at the time of arrival of the Governor there were 81 such persons so held, and that these were subsequently released, before the elections. Curfews, too, were provided for.

The same Regulations empowered a police officer (which expression, by reason of the integration of the police with the Security Forces, in effect meant any member of the Security Forces) without warrant to arrest and detain any person he had reason to believe could be detained under Ministerial Order

or if he was not satisfied as to the identity of a person being questioned. A person so arbitrarily detained could be held for up to thirty days, a period which contrasts with three days (capable of extension to seven days) in Northern Ireland. Sir James Haughton, the Governor's Police Adviser, expressed the view to us that in his experience this was an unusually lengthy period for law enforcement officers to be able to detain persons without charging them with any offence. Such detentions were not the subject of review.

APPLICATION OF THE LAWS

From what we have said it will be seen that the elections were held under a system designed to enable the Administration to control every facet of political activity. Freedom of expression was liable to marked restriction; freedom of assembly was the subject of licence and control; freedom of movement was subject to restraint through arbitrary detention, and in many parts of the country movement was restricted by curfews. It was therefore necessary for us to examine very carefully the ways in which these laws were enforced as they seemed to us to have the potential seriously to erode the essential democratic elements of the elections.

The law governing meetings was complex, and required the permission of the local police, the provision of a list of speakers and at least 48 hours' notice, among other things. Any unauthorised speaker committed an offence. On one occasion a missionary was arrested for having unlawfully addressed a meeting after he had opened the meeting with a prayer. We were told that the missionary had said something in addition to the prayer, although accounts differed, but the arrest of such a person for such an apparently trivial misdemeanour is an indication of the severity with which these laws could be and occasionally were enforced. We were also told of difficulty in obtaining police permits, but on the whole there was little evidence of selectivity on the part of the police.

It was also a fact that under the law it was very easy to be quite inadvertently a member of an "unlawful gathering", which could comprise as few as three people under Section 15 of the Law and Order (Maintenance) Act or even of a "public gathering", which meant a gathering of only twelve or more persons in a public place. Public gatherings were the subject of regulations, and as we moved around the country we must have infringed the law in this respect on numerous occasions as people came to us. The laws could even be used against people meeting in private houses. While there was some evidence of the police handling this situation insofar as it affected the parties with a good deal of common sense, there were also occasions when this was lacking.

However it was also apparent that difficulties experienced with meetings by both the PF and ZANU (PF) on at least some occasions had their origins in a lack of familiarity with the law brought about by the fact that those organising them had either been out of the country for some time or had been inside the country but effectively proscribed by law from organising political meetings.

All the major parties experienced difficulties in holding meetings on one count or another, but in our view these laws created many more difficulties for PF and ZANU (PF) than they did for the others. The leaders of both these parties made persistent complaints to us on this score. For all this it

should be noted that there was a high level of political activity throughout the country, and the selective enforcement of the laws relating to the holding of meetings in the event did not appear to us to have any major overall impact on the ability of the PF and ZANU (PF) to campaign. Indeed, in at least some areas we gained the impression that unsympathetic handling by the Authorities may have been of positive benefit to these parties and attracted popular support to them.

Similarly, the censorship laws did not seem to us to have any significant impact, by virtue, as we note elsewhere, of the fact that the public media and the newspapers had lost much of their credibility during the period of the war.

What did concern us however, was the exercise of the right arbitrarily to detain persons without charge and without court appearance. Following protests by Mr. Mugabe and Mr. Nkomo, we learnt to our considerable surprise from Government House that there was no central record kept of the names of persons who had been deprived of their liberty in this peremptory fashion. Our surprise was compounded when we found that even at district level no attempt was made to keep track of the names or even the number of those so detained. It was only by making inquiries of every single police station in the country that it was possible to compile any overall figures at all. As these persons were denied access to courts and to their families, and as the International Red Cross similarly had no access to them, there was no way of verifying the information with which we were provided. Given such a state of affairs, we were astonished to find that the Police Adviser to the Governor, Sir James Houghton, had not been able to institute any system by which Government House would be notified on a regular basis of at least the numbers held in arbitrary detention.

As at 25 February 1980, Sir James informed us that there was a total of 705 people arbitrarily held throughout the country under the 30-day power of detention. Their party affiliations, he said, were not known but 12 polling agents were among them, all from Bindura District. In addition there were 1240 males and 40 females then held under martial law, figures which had marginally increased (to 1283 and 41 respectively) by 3 March 1980. On 17 December 1979 the martial law figure had been "about 5,400" (Government House was unable to provide an exact figure).

It was explained to us that of those who lost their liberty in this fashion few were held for anything approaching thirty days, and most were either charged formally and passed over to the ordinary criminal law system, or released, within a few days. We were, notwithstanding, deeply concerned at the possibility of abuse of this power in the run-up to the elections, for it, too, could have marred the freedom of the election. Our concern was compounded when we were told by a police reservist called up for duty over the period of the poll, that he had been briefed by senior officers to use his powers in such a way as to ensure an acceptable outcome to the election. He was, however, not prepared to permit us to disclose his identity to the Authorities (see Annex 10).

We received a large number of complaints from the PF and ZANU (PF). It was alleged that on occasions the police had broken up their meetings, sometimes using tear gas, and that a large number of party workers were arbitrarily detained, including some candidates. A list of supporters alleged to have

been thus detained provided to us by the ZANU (PF) office in the Midlands region appears as Annex 11. We endeavoured to persuade the authorities concerned that a party worker, and more particularly a candidate, should as a matter of principle only be the subject of deprivation of liberty where there were serious grounds for belief that he had committed a major offence. However, this approach did not appear to find favour with the Authorities, and complaints continued to be received. These had begun almost as we arrived in Salisbury, and continued right up to the eve of the elections when we learnt of certificated polling agents being arbitrarily detained only hours before the elections began. Because of the central role played by polling agents in the electoral process, we immediately brought this matter to the attention of the Office of the Election Commissioner.

Mr. Nkomo assured us that the attitude of the Authorities in this, as in other areas, was no worse than his party had expected. Mr. Mugabe, while not unduly worried that these actions would erode his support, was nonetheless deeply concerned about the underlying motives and the personal plight of those of his party workers and supporters who had been detained. He asked us to intercede with the Governor, as he believed at the time we saw him on 13 February 1980 that as many as 2,500 had been taken into custody,* and when we raised the matter it transpired that the Governor had not been informed of any increase in the number of detentions as the election approached. In Rusape, for example, ten persons, comprising the whole leadership of the ZANU (PF) office, were taken into custody just five days before polling began on suspicion of assisting terrorists, yet were released without charge immediately after the election. The Governor informed us that he wanted to avoid giving detailed instructions to the police, and had expected them to perform their duties properly and evenhandedly. However, it was apparent to us that he lacked an information system through which to satisfy himself that they were in fact doing so. Although we were constantly assured that the powers of arrest and detention were being used sparingly and only in serious cases to counter terrorism and intimidation, the summary arrest and subsequent release of Mr. Garfield Todd exemplified that this was not so.

We have no doubt that there was at least some abuse of powers of detention which was politically motivated. However here again, obstruction by the Authorities may have had a counter-balancing effect on the opinions of at least part of the electorate, and in our view the overall effect of this abuse of power on the election process was not as grave as at first sight it appeared to be.

The continuance of curfews, too, restricted freedom of movement, but it affected all parties equally. As much of the intimidation took place by night, it is probable that the enforcement of curfews played a positive part in reducing its incidence.

As far as restrictions on freedom of speech were concerned, it was our impression that the law was in the main reasonably applied, and generally only those who advocated violence from public platforms fell foul of it.

* Mr. Mugabe subsequently alleged that 5,000 of his supporters had been arrested by 22 February 1980, as part of an officially-sponsored campaign of harassment against his party. This was denied by the Governor and did not accord with the figures he gave us as noted above.

The election laws as they affected the campaign call for no comment and seemed to have been enforced reasonably. Minor transgressions concerning the appearance of the publisher's name on posters, etc. were overlooked, and Section 111 of the Electoral Act, which outlawed "treating", was given a liberal interpretation so that it did not prevent food and shelter being provided by parties to supporters who had at times travelled long distances to attend rallies.

DETAINEES AND POLITICAL OFFENDERS

There were no fewer than five ways in which a person could be deprived of his liberty:-

- (a) under the ordinary criminal law;
- (b) by virtue of conviction by a Special Court Martial (from the time of the Governor's arrival these ceased to sit);
- (c) arbitrarily, by Ministerial Order (this power was not invoked after the Governor arrived, and the 81 detained in this manner were all released);
- (d) arbitrarily, under martial law; and
- (e) arbitrarily, by a member of the police or the Security Forces, for up to 30 days.

Only in the case of those detained under the ordinary criminal law, were persons entitled as of right to legal representation. Of the other categories, only those detained by Ministerial Order were entitled to have their cases considered by a Review Board. What we would regard as political detainees could be dealt with under any of these five procedures, depending on the whim of the Authorities. The ordinary criminal law was used, as has been noted, as a weapon in the war against the guerrillas. Thus heavy sentences had been imposed for such offences as feeding guerrillas, or failing to report their presence. Any gestures of support for the guerrillas attracted swingeing sentences. Thus we would have thought that a significant number of those in prison on our arrival were, by definition, political detainees. Yet there was no general release of prisoners simply by reference to the Sections under which they had been convicted, but each case was in the process of being reviewed individually as we describe below. This process weighed against the PF and ZANU (PF), as almost to a man those imprisoned were their supporters. Their continued detention seemed contrary to the spirit of the Governor's Amnesty Ordinance, and as the criminal law had been used by the former Administration, only those who had opposed it had felt its edge. In view of our limited resources we were unable to devote as much time as we would have wished to this category of detainee. We established, however, that the British Administration did not consider anyone convicted under the ordinary criminal law as being imprisoned for a political offence. In its view, only those detained by Ministerial Order could be regarded as being political prisoners, and these had all been released.

Convicted prisoners held under the criminal law did not come within the scope of the Governor's Amnesty, but those convicted before the Governor's arrival of offences which would have qualified for an amnesty had a prosecution subsequently been brought, were to be released. A case-by-case review was commenced on the basis that some of those imprisoned might nonetheless need to be kept in detention to preserve public order, or on security

grounds.* The alternative would have been to go through the motions of releasing a prisoner, and then immediately detain him again, but under discretionary powers.

This review was begun under the aegis of the Ministry of Justice, and cases were considered by the Prisoners' Release Board. The Ministry itself subsequently suggested that this was not appropriate, because the Board could only release prisoners on licence. Accordingly an ad hoc advisory board was established to advise the Governor. The Board comprised the Secretary for Law and Order, the Secretary for Justice and the Attorney-General. It was required to recommend remission of sentence where it considered this appropriate and to draw attention to cases that were on the border line. It was also to report on those on which its members could not agree, and where there were security reasons why particular prisoners should be kept confined notwithstanding the amnesty.

We were told that instructions had been given by the Director of Prisons to officers in charge of prisons, asking them to inform each prisoner who might fall within the spirit of the amnesty, and that the number of releases applied for suggested that they had all complied. At the time of our departure, according to the Ministry of Law and Order, 1910 persons had been considered and released, a further 740 had been recommended for release and 700 more had their cases with the Governor or were in the course of release. We were not able to ascertain whether any had been refused release on the grounds of security or public order, though one official said he believed that none had been declined for this reason.

THE CIVIL SERVICE AND ITS ATTITUDE TO THE PARTIES

It was contemplated by the Lancaster House Agreement that the Governor would exercise his authority and organise the elections through the existing Rhodesian Administration. The conduct of the Administration therefore had an important bearing on the environment in which the election campaign and the poll took place. It had within its power so to conduct the day-to-day business of government as to try and influence the manner in which votes would be cast. Further, as civil servants had charge of the election arrangements, much rested on their impartiality and lack of political involvement.

Very few Africans are in posts of seniority in the Rhodesian civil service, and no appreciable number of African graduates have entered it. The service therefore continues to be dominated by the white community, with Africans serving in the lower grades. In 1961 steps were taken to introduce a less discriminatory recruiting policy based on merit, but since 1965 the paramount consideration applied by the Public Service Commission has been that of "security", with the exclusion of many African applicants as the inevitable consequence. Recently, however, an attempt has been made to increase the ratio of African, Coloured and Asian entrants to the service, and figures we examined show that a start has been made.

In discussions with the Chairman of the Public Service Commission, we expressed our concern that civil servants might have been involved in the

* We were told that a prisoner's behaviour in prison was relevant to the question of whether or not he should be released.

distribution of political propaganda. The Chairman conceded the possibility, and expressed deep concern. We also mentioned the production by the Ministry of Foreign Affairs of a "brief" on the current political situation in the country, which had been circulated widely. In this "brief" comment was made on the political campaigns and speculation indulged in as to possible coalition building after the elections, including forecasts of election results. This struck us as being beyond the normal bounds of a civil service. (The "brief" appears as Annex 12.)

We also raised with the Chairman the question of "closed meetings" between the civil service and political parties as we had seen one advertised with the Rhodesian Front. The Chairman informed us, and this was confirmed from our independent inquiries, that there has been a longstanding rule within the public service (which is similar to that found, for example, in paragraph 47 of the Schedule to the Police Act 1965) prohibiting members of the civil service from actively participating in politics, including the asking of questions from the floor at a political meeting. Both the civil service terms of employment, and, for example, the Police Act, provide that meetings at which questions may be asked may be held with permission provided the audience consisted only of persons in the employment of the State. We established that a large number of these meetings were taking place throughout the country, and that the PF appeared to have been the most assiduous in seeking permission for such meetings. We did not hear of any applications for such meetings being refused. A form of approval for one meeting appears as Annex 13, and Circular 107/2 issued by the Public Service Commission on 21 November 1979 appears as Annex 14.

Because the country has for almost twenty years been governed virtually as a one-party state, with the civil service becoming closely identified with the Rhodesian Front, we were alive to the possibility of problems inherent in the election arrangements being charged to the civil service. In the course of our extensive visits to the districts we were satisfied that earlier attitudes were on the whole not coming in the way of these arrangements being made effectively, and that the presence of a large number of British election supervisors was a safeguard.

There was widespread concern on the part of many civil servants as to their future, and that of their pensions, under an independent majority rule government. The prospect of Africanisation,* and of possible repudiation of pension rights, was an understandable and genuine anxiety. This matter engaged our attention because of the central role of the civil servants in organising the poll. We followed their negotiations with the Governor as they endeavoured to obtain an assurance from Britain as to their pensions. Some assurances were given by the Governor, but these fell short of an outright guarantee. Thus at least some of the civil servants went into the elections with a sense of unease and personal insecurity.

Our observations of the civil service led us to conclude overall that, like civil services the world over, there was a blend of the good and the not-so-good. Some of the civil servants impressed us as energetic professionals with a keen wish to discharge their duties to the best of their ability.

* The word is used in its conventional sense. We appreciate that many white Rhodesians are fourth generation or more and so regard themselves as white Africans.

Some others were less energetic, less able and less interested. Some made strenuous efforts to ensure the proper education of would-be voters, and others did little or nothing in that regard.

The Administration had been intimately involved in operations during the war, and the military command structure even incorporated members of the Administration down to the level of District Commissioner. They had therefore been conditioned over a period of years to think in terms of the PF and ZANU (PF) in a particular way. The attitudes built up over seven years of war clearly could not be put aside overnight, and there was a tendency to treat with considerable suspicion any person who supported or worked for either of these parties. In Victoria Province, for example, a number of senior officials in the Administration still had on their walls a poster which began "VICTORY for the counter-insurgent is the destruction in a given area of the Communist Trained Terrorists and their political organisations PLUS the permanent isolation of the CITs from the population . . .". When questioned as to its appropriateness during the election period, they said it continued to be their guiding principle.

When we arrived we found that the provision of telephones for the election offices both of the PF and ZANU (PF) had been the subject of protracted delay, which continued for a considerable time after our arrival and, in the case of ZANU (PF), the connections were not made until two weeks before polling day. Similarly, goods were held up in customs, and the PF and ZANU (PF) even encountered difficulty in obtaining maps, apparently on the grounds of "national security"! We are prepared to accept that in some instances at least, these parties had contributed to their difficulties by a lack of familiarity with the procedures laid down, but our impression was that at times the Administration was lethargic to the point of being obstructive. That it should have been so in comparatively minor matters lent credence to allegations of more serious bias.

REFUGEES

The return of refugees was germane to our inquiries as it had been agreed at Lancaster House that it was desirable that as many of them as possible should return to exercise their franchise. An estimated 228,000 Rhodesian Africans were in three countries - Mozambique (160,000), Zambia (45,000) and Botswana (23,000).

It was known that many refugees would have lost contact with their families or relatives, many of whom would have moved, or been forced to move, out of their villages. Some would have no homes to which they could return. Repatriation would need to be phased to match the country's capacity to re-settle them.

The United Nations High Commissioner for Refugees co-ordinated repatriation arrangements, while the Rhodesian Administration controlled the entry of refugees. The hope was that, given resettlement and logistic considerations, 60,000 to 70,000 refugees would be able to return before the polls.

Repatriation from Botswana caused no problems. The process started on 21 January 1980 and was completed by 15 February, with the return of 18,200

persons under UNHCR arrangements and 1,705 independently. From each of the other two countries, with more refugees, repatriation was on a smaller scale. There appeared to be three main reasons for this: administrative delays in establishing crossing points and reception centres as a result of which repatriation did not commence until 4 February; numerical limitations imposed by the Rhodesian Authorities on the ground that military personnel were returning as civilians; and fear caused by reports that the police had ill-treated refugees returning from Zambia.

Mr. Nkomo made us aware of his deep disquiet both over the pace and manner of repatriation from Zambia. He did not want children to interrupt their schooling to return before the election, but this still left about 23,000 refugees to be brought back.

Members of the Group paid several visits to the repatriation centres to talk to UNHCR and Rhodesian officials to ascertain the position for themselves. It became clear that larger numbers of refugees could have been handled; the limiting factor was the policy adopted by the Rhodesian Authorities.

The Lancaster House Agreement provided that all movement by Patriotic Front forces should cease on 21 December, with only civilians being allowed to enter the country after that date. This was interpreted as requiring rigorous screening of any male of military age seeking to return.

Mr. Nkomo pointed out to us that it was part of the reality of a guerrilla war that adult males in refugee camps would have received some form of military training. This did not, in his view, make them military personnel in the terms of the Agreement. He also said that, as he had told the Governor, all white males in Rhodesia had received military training and had weapons, but suffered no restrictions, much less detention. He felt strongly that the Administration was deliberately obstructing the return of refugees before the election in contravention of the Agreement.

By mid-February, when repatriation from Botswana had been completed, the flow from Zambia had virtually stopped after only some 4,200 persons had come back. Reports that some refugees had been detained and ill-treated, even tortured, allegedly to make them confess to being guerrillas, had spread alarm among refugees still in Zambia. We heard that on one day 300 refugees had turned back after reaching the crossing point. Statements by some refugees who had been detained had included claims that they had been subjected to electric shocks.

Repatriation from Mozambique had reached 7,300 by mid-February. The centre set up for them could handle up to 1,000 persons a day, but was admitting less than half that number on average, and turning back many people. Social Service Department officials at the centre informed us they were powerless as the local police controlled the number to be admitted on instructions from Salisbury.

On 18 February, we conveyed our concern to the Governor on the substantial delay in starting repatriation from both Zambia and Mozambique, the effect of the detentions on those still in Zambia, and on the arbitrary daily limit set

for men of military age returning from Mozambique. We stressed the importance which the Lancaster House Agreement had attached to the question of the return of refugees in the context of free and fair elections, and inquired what action the British Government had taken, as promised, to assist the process. We urged that necessary steps be taken to increase the flow in the next few days before the elections and also suggested that refugees be given the right of temporary return, solely to vote, at polling stations which could be set up near the crossing points. The Governor in his reply, said that the Cease-fire Agreement had made it quite clear that military personnel would not be allowed into Rhodesia after the agreed date. Repatriation from Zambia had been complicated by the inclusion of such personnel among the refugees. As for repatriation from Mozambique, the return of males of military age had been limited to 400 per day, because of evidence that some refugees allowed in had joined ZANLA groups outside the Assembly Places. He had asked the Mozambican Government to send a higher proportion of women and children. His Police Adviser had found no evidence so far to substantiate charges of ill-treatment of refugees. The Governor did not find it practicable to allow refugees a right of temporary return as we had suggested. He added that well over 30,000 refugees would have returned by 25 February and this would be a considerable achievement. Correspondence with the Governor appears as Annex 15.

By 25 February when repatriation was suspended, 33,430 refugees had returned (detailed figures are at Annex 16). We are conscious that Rhodesian resources were strained, but believe nevertheless that, with a more positive approach, a larger number of refugees could have voted, thus reflecting a higher resolve to implement the Lancaster House Agreement more fully.

On the whole, we find it difficult to discount the suggestions that the political loyalties of the refugees to the two Patriotic Front parties was a factor which influenced official attitudes and action though we accept that this did not have any significant electoral impact in the end.

LITERACY

We were aware that the level of literacy could have a bearing on the voters' ability to receive information. Research undertaken for us (Annex 17) suggested that a minimum of 44 per cent and a maximum of 67 per cent of adult Africans of voting age were functionally illiterate. However, we do not believe that voters were denied information because of their illiteracy.

For one thing, extensive use was made of the radio both for official information on the elections and for party political broadcasts.

For another, news travelled fast by word of mouth, and several of us heard of major events in discussions with people in advance of media coverage, especially when these concerned the activities of the Security Forces or were delayed by censorship. Further, there was a pattern of African urban dwellers returning to their villages regularly at weekends, taking back news and frequently reading newspapers and pamphlets out loud to those who were unable to do so. This pattern was of considerable significance in helping the various parties to project their programmes, even when their leaders were unable personally to campaign, as well as in spreading the message of secrecy of the ballot.

SOUTH AFRICAN FORCES

The presence of South African troops in Rhodesia had been a major stumbling block during the Lancaster House negotiations. The cease-fire proposals were accepted by the Patriotic Front on 5 December 1979 only after a specific assurance from Lord Carrington that "there will be no external involvement in Rhodesia under the British Governor. The position has been made clear to all Governments concerned, including South Africa".

On 6 January 1980, after the cease-fire had come into effect, the Governor admitted that South African forces had been allowed to remain on the Rhodesian side of the Beit Bridge, with his consent. The Beit Bridge straddles the Limpopo River, which separates the two countries, and is the principal road and rail link between them.

This admission aroused the most deep-seated fears among the two Patriotic Front parties regarding British good faith and intentions, and inflamed the political atmosphere in the country at the very outset of the election campaign. We had raised this matter with Lord Carrington when we met him in London. On 26 January 1980, two days after our arrival in Salisbury, it was announced that South African forces would be withdrawn from the Beit Bridge, though no specific deadline was set. We considered it important, therefore, at our first meeting with the Governor, to urge that South African forces be removed from the Beit Bridge as early as possible. However small their number or limited the nature of their duties, it was clear to us that their continued presence would have grave political and psychological implications for the election campaign.

The actual withdrawal of South African forces from the Beit Bridge took place on 30 January 1980. One of our members subsequently visited the area and satisfied himself that this was in fact so.

Mr. Mugabe also complained to us of the presence in Rhodesia of additional units of South African troops in violation of the Lancaster House Agreement, but our enquiries always met with bland denials. We were told a certain number were there as volunteers, but that no regular units of the South African forces were operating in the country.

THE CEASE-FIRE

Central to the implementation of the Cease-fire Agreement was the presence of a Cease-fire Monitoring Force. Its size fluctuated, but at one stage reached some 1500 men. In our view this number was quite inadequate to perform the functions expected of it. It might have been sufficient had the Rhodesian Security Forces been confined to their company bases, but in fact they were not. Indeed, throughout the campaign, we witnessed a high level of activity by the Security Forces in many parts of the country, and more often than not there were no members of the Cease-fire Monitoring Force in sight. Numerous camps were monitored only on an occasional basis, and the monitoring did not extend to the activities of Security Forces while on duty away from their bases.

Having said that, we would make it clear that we have no criticism of the way in which the Monitoring Force carried out its duties. Rather, we would express our admiration of the way in which it tackled a task that must surely be without precedent in military history. With tact and patience they won the

trust and respect of vast numbers of guerrillas, and had they not been able to achieve this we have no doubt that a much lower number of guerrillas would have assembled. At the Assembly Places, too, they retained this relationship under the most trying of circumstances.

Within operational areas, Commonwealth Monitors were permanently attached to regular army units, and each Auxiliaries' base was liable to be visited as and when the Monitors were able to do so. However the widespread deployment of regular army units, and the multiplicity of Auxiliary camps made monitoring a formidable task.

Under the Cease-fire Agreement, primary responsibility for dealing with breaches rested with the Commanders of the forces through the mechanism of the Cease-fire Commission and with the assistance of liaison officers. The extent to which breaches were precipitated by the activities of the Security Forces is a matter we are not competent to judge, but we are confident in asserting that at least some of the breaches occurred in this way.

Under the Cease-fire Agreement, the forces which had assembled and accepted the Governor's authority were acting lawfully. Equality between them and the Rhodesian Security Forces was the cornerstone of the Agreement. In the event of general or sustained breaches of the cease-fire which could not be dealt with by the Commanders on both sides through the mechanism of the Cease-fire Commission, the Governor would "have to decide what action to take to deal with them with the forces which have accepted his authority" (para 13). It was envisaged that should there be difficulties with unlawful elements which had not assembled, all the lawful forces would be used to take appropriate action against them, whether jointly or separately. Although a few joint patrols were mounted with ZIPRA, the military wing of the PF, for the overwhelming part the Governor elected to use only the forces of one side for this purpose. Both Mr. Nkomo and Mr. Mugabe voiced their unhappiness and made it known that their armies were ready and willing to do their duty in this regard. However, for reasons of which we are not aware their offers were not taken up. The effect of this decision, with its apparent partiality, on the guerrillas who had not assembled in time can only be a matter for speculation, but it certainly generated considerable mistrust. Had the decision been taken to use all of the forces, as we had also urged upon the British Administration, it is likely that the cease-fire would have been seen as being much more meaningful, at least some of the defaulting guerrillas would have been encouraged to enter the Assembly Places and others would have been discouraged from indulging in unlawful activity.

We were, however, encouraged by subsequent steps taken to commence the integration of the armies. These came late in the day, on the very eve of the poll, but had a healthy psychological effect on both the guerrilla armies and the electorate at large.

As noted, the Agreement provided the establishment of a Cease-fire Commission to adjudicate upon alleged breaches of the cease-fire. The Commission comprised Major General Acland, as Chairman, and Brigadier Gurdon (the Governor's Military Adviser and the Military Adviser's Chief of Staff respectively) together with two senior representatives of the Rhodesian Security Forces, and one senior representative each of ZANLA and ZIPRA. The Commission had as its functions:-

- (a) ensuring compliance with agreed arrangements for the security and activities of the forces;
- (b) the investigation of actual or threatened breaches of the cease-fire; and
- (c) such other tasks as may be assigned to it by the Governor in the interests of maintaining the cease-fire.

The Commission met regularly, and as at 26 February 1980 had considered 207 alleged breaches of the cease-fire, ascribing responsibility as follows:-

Rhodesian Security Forces	2 breaches
ZIPRA	24 breaches
ZIPRA old area of operations	12 breaches
ZANLA	99 breaches
ZANLA old area of operations	35 breaches
Ex-PF bandits	17 breaches
Unattributable	18 breaches

A breach of the cease-fire was considered by the Commission to be a belligerent action by an armed man, or group of men, against either civilians or armed personnel. It will be seen from the list that some acts of banditry were referred to the Commission, and were found to have occurred. It is understood that a high proportion of the acts by armed men which occurred in the country would have been notified to the Cease-fire Commission, and were the subject of investigation by the Commonwealth Monitoring Force and by the relevant parties.

The Commission met in private, and although we made a request to Government House we were, much to our regret, not permitted to attend any of its meetings. We were informed that, as in the Election Council, the various representatives demonstrated a readiness to work together, and that decisions were reached expeditiously. All decisions of the Commission were required to be unanimous.

Some of the breaches could not be attributed to ZIPRA or ZANLA, but had taken place in areas in which one or the other had been in operation. Thus attributions were based on a number of features, of which the type of arms used and the place of occurrence were only two.

As polling began, the Cease-fire Commission, at its meeting on 27 February 1980, moved into a less adjudicative and more creative phase of its operations. It was agreed that its focus should not be on determining responsibility for cease-fire breaches, but that in future it should concentrate more on fostering conditions in which unification of the various armies could be effected. A number of incidents were left unresolved, including the attack on a bus which took place in the Rusape/Headlands area, on the Salisbury to Untali Road, on 3 February 1980.

On behalf of all members of the Commission, the Chairman had voiced the strongest condemnation of the incident, in which a bus full of innocent civilians had been ambushed.

Complaints to the Cease-fire Commission came from four sources - the Rhodesian Security Forces, ZANLA, ZIPRA, and the Commonwealth Monitoring Force. The very great majority of complaints were submitted by the Rhodesian Security Forces.

The findings of the Cease-fire Commission provided one indicator of the level of violence in the community, and its origins, during the run-up to the elections. They also suggest that the cease-fire was successful to a remarkable degree. In a matter of days, a state of full-scale war was diminished to the point where political parties could, by and large, campaign in safety in almost all parts of the country.

INTIMIDATION AND THE ELECTION

The question of intimidation dominated the election, but was too often viewed in isolation from the society in which it was taking place. We were concerned to place it in perspective because the phenomenon appeared to us to be much more complex than the authorities were either prepared to accept or admit. We felt it was necessary to try to understand the changes brought about by the war in the traditional power structure in the extensive rural areas that had come to be dominated by the guerrillas. No ready reference works are available on the subject, and the tentative picture we present has been pieced together from conversations we were able to have with academics, social workers, missionaries and other informed individuals, many of whom had first-hand knowledge of the subject.

The Effect of the War

Immediately prior to the cease-fire, the writ of the Government did not run in large areas of the country. Rather there was a situation in which the guerrillas had permeated most of the country, with the Rhodesian Security Forces maintaining a high degree of mobility and moving quickly in and out of more sensitive regions. As part of their campaign, and to demonstrate the inability of the Salisbury Administration to control the country, the guerrillas had brought about a state of affairs in which the role of government organs had become tenuous and in certain areas non-existent, over 1,000 schools had closed, and cattle dips, an important feature of economic life in rural Rhodesia, had almost entirely ceased to operate.

Before the war, authority in the rural areas had been exercised by the tribal chiefs and headmen, the traditional leaders of the people. It was they who allocated land, settled disputes according to customary law, ascertained the will of the tribal spirits, and took all major decisions affecting life in the villages. In the battle for the hearts and minds of the people, chiefs and headmen who refused to co-operate with the guerrilla forces were frequently targets for attack. Some were killed and others took refuge in the towns. Those who remained in the Tribal Trust Lands suffered serious erosion of their authority, as did other people of influence, such as teachers and ministers of religion.

The extent to which this happened varied from one area to another, and sometimes even within a single tribal area, depending on the intensity of the war and the number of protected villages. The impact varied too, depending on whether the area was dominated by ZANLA or ZIPRA forces.

In areas outside the protected villages that were dominated by the guerrillas, traditional power and authority were heavily eroded and there developed a parallel, but more compelling, source of administrative and judicial authority which bore no resemblance to the traditional structure. A new line of command was established, with the guerrillas at the top, the district committee in between and the kraal committees at the bottom. This phenomenon was especially prevalent in the eastern districts and in other areas under ZANLA control and influence, though its precise extent is difficult to determine. It was apparently less common in Matabeleland and other areas where ZIPRA was operating.

There was a committee at each kraal level comprising local civilians and each had one member sitting on the district committee. There were two main reasons why these committees emerged. First, some traditional authorities had become so unpopular as a result of their association with the government that they no longer commanded the respect of their people. Second, it became apparent that certain mujibhas (the predominantly youthful assistants to the guerrilla armies) were misusing their power by labelling personal enemies but quite innocent civilians as "sell-outs", so that the guerrillas would mete out "instant justice" in the form of death or a heavy beating.

The functions of the committees varied, ranging from hearing cases involving marriage, divorce, and witchcraft, to assessing the truth of allegations levelled against people regarding their involvement with the government. They also handled demands by the guerrillas for food and clothing, instead of mujibhas and guerrillas directly approaching individuals for aid. After receiving demands, the committees would inform their people and request contributions.

As a result of the development of these "people's tribunals" the traditional courts came to deal only with cases of a petty nature and chose to refer difficult cases to the committees. Some traditional leaders were co-opted into the new structures, depending on their popularity with the people and the guerrillas. In those cases, there was a partial merging of, and close association and liaison between, the traditional leaders and the committees.

Above the kraal committees was the district committee which acted as a court of appeal, while the guerrillas were the final court of appeal. Neither committee had any power to pass a death sentence, as this was the prerogative of the guerrilla courts. However, the committees could hear complaints about mujibhas and guerrillas, and report them to their commanders.

The most fundamental feature of the new structure was that while pre-war traditional authorities had comprised old and seasoned members of the community, the new authorities, by and large, were headed by young men. These wielded almost absolute power, and to this extent the traditional structure of power and influence had been stood on its head.

The situation in the protected villages, where over half a million people lived, was somewhat different. There, the influence of the guerrillas, though considerable, was not as penetrative. Contact between villagers and the guerrillas was restricted to daylight hours when the villagers would leave the villages to work their land. Communication between the groups was partially or completely cut during the night.

In the protected villages, a different erosive force also helped weaken traditional authority. A quasi-military atmosphere prevailed, with many activities both regimented and centralised. The government's command structure demanded maximum co-operation from the chiefs, headmen and kraal heads, who had little real alternative but to comply with most official requests. By submitting to the Security Force personnel in this way, the traditional leaders rapidly lost their popularity and grip on the people.

Without going into other related aspects, such as the erosion of parental authority and the diminished influence of teachers and churchmen, the significance of these developments needs to be underscored. The people in these areas had been politicised to a high degree. Their loyalties were further strengthened by the direct link between the armed struggle and nationalist sentiment. The chiefs, headmen, and kraal heads had, in many areas, ceased to command respect, and a parallel power structure had developed over the years. Indeed, it is inconceivable that the successes enjoyed by the guerrillas during the war would have been possible without some kind of organisational endeavour within the communities to which they looked for support. This serves to explain why other parties should have felt uncertain about attempting to campaign there. It underscores, too, the problems that were implicit in the decision to send the Auxiliaries into the rural areas to help maintain law and order, particularly when they began to make their own attempts to politicise the population in a different direction. Some degree of violence was inherent in the situation.

With the advent of the cease-fire and the withdrawal to Assembly Places of most, if not all, of the guerrillas on whose authority the new order was based, a degree of anarchy was inevitable. A valuable restraining element on the mujibhas had been lost, and when the Rhodesian Security Forces and their Auxiliaries moved back into the areas in an attempt to reassert their authority, the conflict that ensued could have been anticipated. To some extent at least, the problem of intimidation must be viewed against this background.

Further, by no means all of the violence during the campaign was politically motivated, or designed to influence the elections. Sometimes it was the product of social dislocation in the wake of war to which there are parallels in other parts of the world.

It was also the case that in the immediate aftermath of a guerrilla war many sections of the population had ready access to firearms, with the result that the ordinary incidence of violence in the community tended to be higher than it would otherwise have been. Such incidents, too, were at times wrongly accorded a political significance.

ZANLA and ZIPRA

A major departure from the Lancaster House Agreement was the failure by the Rhodesian Security Forces to disengage to the degree contemplated. It was explained to us that this was necessitated by the security situation caused by the failure of all the Patriotic Front forces to assemble. However we noted a dramatic drop in reported casualties, with these running at only about 10 per cent of the level immediately before the cease-fire - 290 people died between the end of December and the end of February, whereas without the cease-fire it would probably have exceeded 3,500.

We accept that a number of ZANLA, and a lesser number of ZIPRA guerrillas had remained outside the Assembly Places. We discussed this with both Mr. Mugabe and Mr. Nkomo. Mr. Mugabe said this was not part of a deliberate strategy, but the period of the cease-fire had been too short, and many of his men had been difficult to contact. According to him their number was far less than the official estimate of 4,000. It should be noted, too, that this estimate included an unquantified number of dissident elements who had simply turned bandit. He had argued at Lancaster House in favour of a longer cease-fire period, but this had been rejected. Mr. Nkomo assured us that strenuous efforts had been made to ensure that as many ZIPRA guerrillas as possible assembled. Both appealed publicly for those remaining outside to assemble, and denied any suggestion of a policy designed to hold men out to cover contingencies.

We experienced difficulty in assessing the validity of the many allegations that were made concerning the part played during the election campaign by the guerrilla forces who remained outside the Assembly Places. It was plain that acts of simple banditry which had no political significance were being attributed to ZIPRA, and even more to ZANLA. There were numerous acts of violence which we were satisfied had little or no political motive. It is, we believe, significant that COMOPS Communiques in the post-election period suggested continuing contacts between the Security Forces and unlawful but unspecified armed elements. In the wake of the ZANU (PF) victory, it was obvious that these had nothing to do with politics or political parties. There was, too, a tendency on the part of the media immediately to attribute acts of violence to ZANLA, even when there was little or no evidence to support it. For example, on the first day of polling, the lead vehicle in a mobile polling station convoy on which one of our Group was travelling came under fire; the press was told this in unambiguous terms, yet both the newspapers and the Zimbabwe-Rhodesia Broadcasting Corporation (ZRBC) reported us as stating that the attack was made by ZANLA, although the attackers had not been identified.

Elsewhere in our Report we deal at some length with the Security Forces, and are conscious of our difficulty in so dealing with allegations made against ZIPRA and ZANLA. The Governor promised to provide us with affidavits regarding their intimidatory activities, but in the event never sent them. We encountered only a handful of complaints concerning these groups from members of the public, but were frequently told of their misbehaviour in the course of extensive briefings from Provincial and District Commissioners. These tended to lack specifics, and as with the complaints against the Auxiliaries (which we discuss later), it seemed to us that those against ZIPRA and ZANLA were similarly the subject of exaggeration. This view was borne out by members of the Commonwealth Monitoring Force in different Provinces, with whom we spoke, by some British Election Supervisors, and also by a number of missionaries, amongst others.

Perhaps here, as in some other areas of controversy, the whole truth may never be known. We do not seek to minimise the blame attaching to ZANLA and, to a lesser degree, ZIPRA. That some of their members were guilty of acts of intimidation is incontrovertible. Nevertheless, it is our view that intimidation by the guerrillas was by no means as widespread or as brutal as official spokesmen claimed. It was also hard to judge where the line was being drawn between political activism and intimidatory behaviour. It is also our view that the one-sided picture projected by the Authorities, and reflected by the media, which attempted to attribute blame for intimidation solely to ZANLA and ZIPRA and their political allies, was grossly misleading and must be corrected.

We noted the Administration's view that abstention from the Assembly Places was part of a deliberate policy. We were told by members of the Commonwealth Cease-fire Monitoring Force that the bulk of ZANLA outside the assembly points were in fact unarmed and living among the people with their weapons cached. It was also suggested to us by ZANU (PF) that those who had remained outside the Assembly Places and were armed had been deterred from responding to repeated calls to assemble by their commanders by needlessly aggressive acts by the Security Forces after the cease-fire had come into effect. One example of this is an incident in which a misunderstanding over the surrender of arms led to a number of ZIPRA guerrillas being gunned down while in a bus en route to an Assembly Place. On another occasion, in Shabani, 119 ZANLA guerrillas had surfaced in response to appeals to assemble. Their leader apparently received highly unorthodox treatment, with pressure being brought to bear on him to switch sides, and he eventually escaped from a luxury Salisbury hotel. The remainder disappeared and court proceedings failed to determine their fate. They were alleged to have been murdered by the Security Forces, but we were informed by the Police Commissioner that 96 of them had in fact joined the Security Force Auxiliaries. This was told to us in the context of describing the techniques used by the Security Forces to recruit Auxiliaries.

Further, in Victoria Province we were told that after the cease-fire the Security Forces had deliberately interposed themselves between areas with known concentrations of guerrillas and the Assembly Places, thus deterring them from coming forward. The Cease-fire Monitoring Force told us that they had taken up the matter with the local Joint Operational Command, but to no avail. We learned from Monitors and Patriotic Front liaison officers that messages of guerrillas coming forward for late assembly being transmitted to liaison officers were being intercepted by the regular Security Forces. They then pre-empted the role of the liaison officers by deploying into the areas in question, unnecessarily provoking armed contact.

We are therefore inclined to accept that such actions by the Security Forces would not have encouraged members of ZANLA or ZIPRA to come forward in response to their commanders' orders, after they had once failed to meet the deadline set by the Lancaster House Agreement. Despite this, according to the Governor's spokesman, their leaders' appeal had some effect in the post-cess-fire period.

It was also claimed that large numbers of guerrillas were leaving Assembly Places and perpetrating outrages against the civilian population as part of a campaign to intimidate the electorate. From our observations, and from our discussions with numerous members of the Commonwealth Cease-fire Monitoring Force, we were satisfied that these stories were largely without foundation although there was a small degree of movement in and out of the Assembly Places. The Assembly Places were generally well-ordered and well-organised, and as we note elsewhere, the relationship between the Monitoring Force and the guerrillas was remarkably good and a credit to all concerned. In this area, too, a relatively small number of incidents was magnified out of proportion.

Nor was the atmosphere helped by the Communiques issued by Combined Operations Headquarters. Couched in language inappropriate for the cease-fire, the Communiques received prominence in news broadcasts and appeared on the front pages of newspapers. We urged the Governor to have the practice

discontinued, and though the Communiques continued to appear we met with some success towards the end of the campaign in the toning down of their language and less prominent publicity by the media.

The Security Force Auxiliaries

We now turn to the vexed question of the Security Forces and their Auxiliaries. The Auxiliaries were constituted, after the internal settlement of 3 March 1978, as political armies. Both the UANC and ZANU (Sithole) recruited a type of "home-guard", and regular members of the Security Forces with whom we spoke described them as being gangs of political henchmen. This unfavourable view was confirmed by Mr. Chikerema who had been involved in their recruitment while he was a member of the Muzorewa Government. The Police Commissioner, Mr. Allum, described how the Auxiliaries had been formed to fight "terrorists" by using their own tactics against them. He told of a deliberate policy of recruiting as many captured guerrillas as possible into the Auxiliaries, and of a need to motivate the group to a high degree so that it would be prepared to serve the Muzorewa "Government of National Unity". Subsequently, it was realised that recruitment of security forces through the medium of political parties was undesirable, and this had been transferred to a government agency, and the Auxiliaries merged with the regular Security Forces. In mid-1979 a group of Auxiliaries loyal to ZANU (Sithole) had declined to submit to the central authority with the result that they had been attacked by the Security Forces and over 180 of them killed. (Some of their members, too, were very young, being only 13 or 14 years of age, and their extreme youth and blatant lack of rudimentary training were further grounds for concern.)

In brief, the Auxiliaries could be viewed as an armed home-guard, with minimal training, which had been politicised in favour of an administration led by Bishop Muzorewa, and included at least some of the original political recruits as well as significant numbers of former guerrillas who could not have viewed dispassionately the prospect of a PF or ZANU (PF) government. Indeed, one such Auxiliary expressed his fear that should such a government come to power, the Auxiliaries would all be shot. He himself had been trained in Mozambique.

It was not surprising, therefore, that on our arrival we found considerable controversy raging as the result of a decision to use these Auxiliaries to augment police efforts in maintaining law and order. Allegations of political activity, of coercion and of intimidation made against the Auxiliaries abounded. We were satisfied that, as with allegations against ZANLA, the activities of the Auxiliaries were not as bad as the charges against them claimed. At the same time their activities were very much worse than government spokesmen were ever prepared to admit.

The performance of the Auxiliaries varied across the country, but they were generally at their most active in the eastern regions. By contrast, in Matabeleland North and South their presence appeared to have been relatively benign, and the same could be said of Auxiliaries in several other parts of the country, especially those who had been recruited in late 1979 and early in 1980.

In defence of the Auxiliaries it was repeatedly claimed that they had been engaged in constructive activity and public work throughout the Tribal

Trust Lands. As a counter-insurgency measure the Administration had latterly adopted a policy based on what was in some areas called the "green areas" concept. Its underlying objective was to expand the Administration's area of control by the extensive deployment of Auxiliaries into the TTLs. Within the "green areas" the Auxiliaries would perform a "home-guard" role, securing the area from guerrilla operations and facilitating the reopening of stores, schools and cattle-dips, either by local civilians or by the Auxiliaries themselves, and the resumption of cattle sales. We found that the "green areas" concept was most developed in the Victoria Province where senior government officials were confident of its ultimate success in reducing the influence of ZANLA forces.

As we have noted, the guerrillas had waged a concerted campaign to demonstrate the collapse of the Salisbury Administration. It was thus a political gesture of considerable significance for Security Force Auxiliaries to enter sensitive areas left by the guerrillas as they went to Assembly Places, some of which had been dominated by Patriotic Front forces for some years, and to be seen there as asserting the authority of the Salisbury Administration. Undoubtedly this caused considerable resentment, not to say apprehension. We accepted the necessity to get the cattle-dips back into working order, and cattle disease under control, as quickly as possible. We also recognised the paramount need to resume the interrupted schooling of children without delay. However, in all the circumstances, we doubted the wisdom of choosing these particular men to bring such a situation about. We noted, too, that in some districts these works of reconstruction and repair had been achieved by local people, and that residents there were positively opposed to the presence of Auxiliaries.

Not only were the Auxiliaries involved in quasi-political acts of this nature, but it was clear that they saw themselves as having a duty to educate the electorate as to the evils of "Marxism", to the point of conducting forced meetings, and at times perpetrating acts of violence. The complaints on this score were persistent and widespread, and we found from our observations that at least some of them were true. As Annex 18 we reproduce a number of letters written by Headmasters in the Midlands area. In all our travels, too, we ourselves seldom saw the Auxiliaries actually engaged in constructive work, which was surprising in the light of the emphasis on this placed by Provincial and District Commissioners in their briefings to us.

It was apparent to us that Auxiliaries were actively campaigning for the UANC in many parts of the country, and whether or not stories of widespread brutality are to be believed, the evidence was overwhelming that at least some such acts occurred (as evidenced by court convictions), that these armed men were travelling widely, that they were not capable of being adequately monitored, and that in one way or another they were a source of concern to sections of the population, whether by their acts or their reputation. For example, in addition to the regular Security Forces who maintained a high level of activity and their responsibilities at Echo, Foxtrot and Gulf Assembly Places (where some 9,500 guerrillas had assembled), the Monitoring Force in Manicaland was charged with monitoring some 3,000 Auxiliaries in more than 50 bases spread over an area half the size of England. This was an impossible task. The Monitors therefore quite properly concentrated their resources on those bases about which they had received complaints. Even there, visits were only possible about once a week: elsewhere they were even more infrequent. Early in the campaign, as a result of the Monitors' activities, one Auxiliary Commander in the Province was replaced, and another charged with rape.

Although, as elsewhere, we received a large volume of complaints about the Auxiliaries' activities in Manicaland, no further arrests of Auxiliaries in Manicaland were reported to us, but in other areas a significant number of Auxiliaries were appearing before the courts on serious charges. We saw for ourselves a high level of political activity on the part of the Auxiliaries with UANC flags and posters on their vehicles, and one commander in our presence even saluted and exclaimed "God bless Bishop Muzorewa!".

Although we were assured that the Auxiliaries were non-political, and indeed there were units in some districts which were not political, it was noticeable that any reference to the unlawful activities of the Auxiliaries provoked a most hostile reaction from the UANC and the local administration. Had they in fact all been non-political (as was consistently claimed), we cannot see why there should have been such a strident reaction from these quarters. At no stage were we aware of the UANC disowning them.

On several occasions we voiced our concern to the Governor, and on 12 February 1980 he issued written directions to all Auxiliary personnel (Annex 19) neither to help nor to hinder any political party. Quite apart from their activities, we saw their presence as a continuing provocation to many people in the Tribal Trust Lands and to the guerrillas both within and without the Assembly Places. As the Auxiliaries were ostensibly under the authority of the Governor, it would, in our view, have been more politic for him to attempt to break the vicious circle by confining the Auxiliaries to their camps and abandoning their use for the maintenance of "law and order". They were clearly identified in the public mind as a political army, as much as the assembled guerrillas. We are persuaded that the failure to control the Auxiliaries was a major factor in the ensuing level of intimidation. Annex 20 is the text of a "T.V. Eye" television programme which in our view correctly reflected the position in the country at the time it was made, in early February 1980.

There was, too, the fact that many of the Auxiliaries were equipped with weapons captured from the guerrilla forces. Indeed, stock-piles of such weapons had been accumulated by all wings of the Security Forces. There was a tendency in Combined Operations' Communiques and the media to attempt to attribute blame for incidents by "unknown factions" by making reference to the fact that (e.g.) "communist-made weapons" were used. We found such a description not only unhelpful in a search for the truth, but at times misleading since arms of varying origin were used by all sides.

The Security Forces

The regular Security Forces were not the subject of criticism as being a political army. However, the high profile they maintained in many parts of the country may have provoked at least some breaches of the Agreement. At times the curfews were enforced in a needlessly aggressive manner. In the JOC Grapple area, Monitors made representations, to some effect, expressing their concern at the number of civilians being killed in this way.

We were also disturbed by the way in which a particularly serious matter was handled. On the night of 14 February 1980, three large bombs exploded in Salisbury, and a fourth was found unexploded in the Roman Catholic Cathedral. Two churches and a hotel in which some of us were staying were damaged

by two of the explosions, and the third bomb exploded in a car owned and driven by members of the Selous Scouts (a part of the Security Forces) in circumstances which suggested that they might have been on their way to a further church. First reports attempted to attribute blame to anti-church political activists, and only subsequently because bystanders had found identity documents, was it made public that the two who died in the car were in fact members of the Security Forces, although it was also added that a short time before they had telephoned to say that they were following suspected terrorists. The entire manner in which this matter was handled left us with an uneasy feeling that the whole truth would never be revealed.

Further, on 10 February 1980 an attempt had been made to assassinate Mr. Mugabe, near Fort Victoria, by detonation of a remote controlled landmine. Members of the Group who were in Fort Victoria at the time were puzzled at the inability of the Security Forces to track down those responsible, as there was both a police camp and a Security Force base close by the scene of the crime, and a number of helicopters etc. were immediately available. Moreover the incident took place in open country, with very thin cover. No suspect had been identified up to the time we left Rhodesia.

We came to know that in many parts of the country members of the Security Forces were distributing unattributed and crude anti-marxist literature (e.g. Annex 21) along with official publications of the National Election Directorate. The Rhodesian Air Force, too, seemed to be involved; we witnessed a grey Dakota dropping them by air across Tribal Trust Lands, and were subsequently informed that there were no Dakotas in private ownership. We immediately raised the matter with the Governor (see Annex 10) and were informed that these acts were not approved of by those in charge of the Security Forces and that immediate orders had been given that the practice be discontinued. Unfortunately the order was not fully complied with. This also served to confirm our suspicions that orders were not always acted upon expeditiously, and that at times those in charge of the Security Forces did not have a firm grip on all sections of their command.

It was suggested to us, too, by a police reservist that members of the police might have been involved in distributing a pirate edition of Moto, a popular African nationalist newspaper sponsored by the Catholic Church which appeared on 23 February 1980. At our behest, this allegation was investigated, and our correspondence and a copy of the resulting report appears at Annex 22. The issue was put together by taking a previous issue of Moto and changing the front page so that a newspaper which had been supportive of the Patriotic Front alliance (and had been banned for some years) suddenly appeared to be indulging in a gratuitous character assassination of Mr. Mugabe. The issue was a most professional piece of forgery, and had a fatal sequel. On the evening of the day on which the pirate issue appeared, a massive explosion wrecked the printing room and offices of the publishing house in Gwelo where the authentic Moto was produced. Investigations into this outrage had not concluded at the time of our departure, but it was widely believed that the two persons who died in the explosion had been involved in planting the bomb, and that one of them was white.

A further matter of concern was the fact that three persons were arrested for taking part in an armed attack on Mr. Mugabe's home on 6 February 1980, yet at no time were either the identities or the political allegiances of

them disclosed. When we asked the Police Commissioner about this he declined to tell us on the grounds that the case was sub judice. In the light of the way in which other offences were readily attributed to ZANLA and ZIPRA, we were left with no alternative but to draw our own conclusions.

In view of these activities, we could appreciate that persons aggrieved by the actions of various arms of the Security Forces might well have felt that making complaints about them was both a waste of time and could involve the risk of reprisal. Our observations also confirmed the remarks to us by a former Prime Minister, that the Rhodesian system had over many years perfected the art of concealing misdeeds by its members.

There were instances, too, of police units travelling amongst the people in the TTLs, "explaining" the voting procedures. This was done, we were told, on instructions from Salisbury. It seemed to us quite wrong for the police to have been used in such a way, and complaints were received that the instruction on occasions extended to lectures on the evils of communism, advice as to which party to vote for, and the distribution of party propaganda.

A fourth armed group operating within the community was the militia of the Department of Home Affairs. These we found were generally accepted by the populace at large as being fair and non-political. However a group of kraal heads in Madziwa TTL complained to us that the militia who guarded their protected village had threatened, if ZANU (PF) were to win the elections, to lock the gates, shoot the inhabitants, bomb the assembly areas and behead the party leader. Such threats allegedly emanating from armed men equipped and in a position to execute them were grave indeed. Another armed group comprised farm militia, organised by the large commercial farms to protect their interests but trained and equipped by the state.

We readily appreciate that some members of all arms of the Security Forces and of the Department of Home Affairs militia must have felt their future to be at stake, a worry aggravated by the high rate of unemployment in the country and by the relatively generous salaries they were receiving. While we can understand their wish to see a government likely to be favourably disposed towards them, we cannot condone some of their actions.

The Ordinances

Overall the pursuit of our inquiries left us with the uncomfortable feeling that the highest authorities were not being made fully aware of the true parameters of the problem of intimidation, and that the sources of information on which they appeared to rely did not present as frank and complete a picture as was necessary. The local administration, preoccupied with security and the war, had become distant from the African population as a whole and was often quite out of touch with the pulse of the communities they served. This was exemplified both by the way in which British Election Supervisors, coming fresh to the scene, frequently read the situation quite differently from local officials and also the confidential eve of poll prediction by the Ministry of Home Affairs to Bishop Muzorewa - UANC 34 seats, ZANU (PF) 26 seats and PF 20 seats. This inability to comprehend the popular mood led to a number of official statements which caused considerable disquiet and gave rise to allegations, however ill-founded, of bias.

Within days of our arrival it was apparent to us that a joint appeal to eschew violence made by the leaders of all the political parties might be helpful in lowering the temperature of the campaign. We pursued this idea in our first round of meetings with political leaders, all of whom responded positively, and thereafter with the Governor. The matter was then taken up formally by the Election Council and the leader of each party signed a statement in identical terms (Annex 23). Mr. Mugabe, Mr. Nkomo and their Commanders also made public appeals to their supporters.

While these efforts were being made the Governor, by two Ordinances, the Elections (Prevention of Disruptive Activities) (No. 1) Ordinance 1980 (No. 7 of 1980) on 5 February 1980 and the Elections (Prevention of Disruptive Activities) (No. 2) Ordinance 1980 (No. 8 of 1980) on 12 February 1980 (Annexes 24 and 25), equipped himself with a variety of enabling powers to counter disruptive activities by political parties and their supporters. These ranged in severity from the suspension of a person from taking part in the election campaign to the effective disenfranchising of voters resident in areas which the Governor considered had been seriously affected by disruptive activity.

The Governor told us that he hoped he would not have to exercise these powers, but would not hesitate to do so if it became necessary. They were intended as an admonition and a warning. He could not countenance a situation where parties could opt out of the election or repudiate its results on the grounds that he had failed to take positive steps to curb intimidation.

We were provided by the Governor with a map and a list (Annex 26), indicating the areas in which, according to his information, intimidation was at unacceptably high levels. We found this information disturbing, as we were already familiar with the position in a good number of these areas, and in several our personal observations of the situation on the ground was sharply at variance with the view being expressed at Government House. Moreover, it was plain that a number of the British Supervisors in the field shared our view of the position. We made a point of intensifying our investigations in areas where intimidation was claimed to be rife. We visited Election Supervisors, Provincial and District Commissioners, party offices, police and army posts, hospitals, schools, farms, churches and other centres of community activity, and talked to a wide cross-section of people.

One District we visited was Darwin, which was marked in red on the map provided by the Governor to denote severe intimidation preventing rival political parties from campaigning. According to the District Commissioner, there were 150 guerrillas active in the Tribal Trust Lands there. To counter their activities, he had at his disposal 400 Security Force Auxiliaries and 700 District Assistants (i.e. members of the militia of the Ministry of Home Affairs). The response to our question to the British Election Supervisor in Darwin District attracted international publicity, so firmly did he deny that intimidation was taking place on any significant scale. Not only was the tone of the political campaign moderate, but no fewer than 37 meetings had taken place in the district in the first 19 days of February; 11 of these had been held by ZANU (Sithole), 17 by UANC, 8 by ZANU (PF) and one by ZDP.

In Beitbridge District, shaded blue to indicate heavy intimidation, a member of the Commonwealth Monitoring Force himself confirmed evidence gathered

by the Group from other sources that intimidation was not a problem. Indeed, he laughed at the suggestion.

In parts of Victoria Province, both UANC and ZDP campaign vehicles were seen by us, moving around freely in a Tribal Trust Land falling within a "blue" area. Some residents of one TTL complained that intimidation there took the form of Auxiliaries rounding up people for forced attendance at political meetings. At their suggestion, some ZANU (PF) officials took us into Bikita District, an area shaded red on the map and which was reputed to be a "no go" area. In that area, at dusk, we saw a number of people wearing UANC badges although both the Provincial Commissioner and his Security Officer had claimed that only ZANLA forces were permitted to operate. On another occasion, Observers accompanied by ZANU (PF) officials drove into the Zimutu TTL, a "blue" area (a Roman Catholic priest and catechist had both been beaten to death there the previous week). The Observers nevertheless moved about freely amongst the different groups they encountered by the roadside, in kraals, commercial areas and schools, who were discussing the elections and the political situation. Whilst there were few signs of political activity by political parties in the area, they found that the tribespeople were fully aware of the political issues involved in the election and spoke of representatives from various parties actively canvassing in the area for attendance at political meetings.

Other districts we concentrated upon in the light of their being at risk under the Ordinances included Madziwa, a "blue" area, which was observed to be another in which there was a variety of party posters, and where party T-shirts could be openly worn without any sign of apprehension.

A pattern thus emerged which in some areas was contrary to the official view.

We also reported to the Governor that we had received information from some political parties, but not the UANC, that they were meeting great difficulties in gaining access to workers on white-owned farms and some protected villages.

We also found that some of the areas mentioned did, indeed, have a serious problem, but as we have indicated, the problem was not as extensive as the map and the list suggested. There was certainly a deep-seated fear on the part of some to venture into a number of areas, and what would have happened had they tried remains problematical, but we learned of a few instances where attempts were made with tragic results. In the Victoria Province for example areas such as Nyajena, Maranda and Matibi No. 1, long regarded as areas liberated by ZANLA, were strictly "no go" areas for the Administration, and consequently for other political parties. The Triangle and Hippo Valley areas in the Chiredzi District, however, were throughout the election campaign open to electioneering by all parties - though no doubt subject to intimidation by various interest groups. The map adopted the same classification for all these areas - etching them "red" to indicate "severely affected by intimidation".

We also made known to the Governor our apprehension about the impact of any action he might take to penalise a particular party using the new powers he had acquired. We conveyed to him the great disquiet already created by wide

arrests of party workers including several candidates of one party, the attempts on the life of its leader, several bomb explosions in the capital and strong suspicions of the involvement of security personnel in some of these acts of violence. We stressed the danger of further exacerbating tensions in a fragile situation, and cautioned him against over-reliance on information reaching him from the security establishment. We had reason to suspect that there was a tendency on its part to highlight infringements by certain parties, and not by others.

We found particularly unacceptable the concept that segments of the population should be liable under law to be arbitrarily and peremptorily disenfranchised. Any action that had to be taken should be directed towards guilty parties in an even-handed manner, and there should have been no question of any part of the electorate being disqualified from voting on the grounds that the Governor felt that one or more of the political parties had indulged in disruptive activities in their region. Any such action would have been a negation of "one man, one vote", and an abrogation of the Lancaster House Agreement. Our fears were heightened by the expectations and hopes of sections of the official establishment that the Ordinances would be invoked, and Mr. Mugabe's unequivocal statement to us that he would no longer consider himself bound by the Lancaster House Agreement if any of these major disqualifications was applied. Mr. Nkomo was also strongly opposed to any use of the Ordinances.

On 15 February 1980, the Governor suspended the Treasurer of ZANU (PF), Mr. Enos Nkala, from campaigning. He had allegedly made a speech in which he referred to the war continuing should his party fail to win. However, we had noted that comments in similar vein by two prominent members of the Rhodesia Front, threatening to invoke South African assistance in the event of a particular outcome to the election, went without attracting any such penalty.

Three days later, on 18 February 1980, ZANU (PF) was prohibited from holding meetings in certain parts of Chiredzi District, namely the Hippo Valley Estates, the Triangle Estates and the area of Triangle Village, in Victoria Province. The Governor's decision was interesting, insofar as the areas prescribed did not in our view (nor, incidentally, in the view of the British Election Supervisors) constitute the areas of greatest threat to a free and fair poll in the Provinces.

Had this been the intention, action would presumably have been taken to open the TTLs virtually closed to political activity by parties other than ZANU (PF) such as Nyaguna, Maranda and Matibi No. 1. We could only interpret the Governor's decision as on the one hand a gesture to those who had protested against the intimidatory tactics of ZANU (PF) supporters, signalling that he was prepared to recognise the validity of their allegations, and on the other hand, as a warning to ZANU (PF), and hence all parties, of his readiness to take whatever measures were necessary against intimidatory tactics. The end result of his actions in respect of Triangle and Hippo Valley was to afford greater electioneering opportunities to all the other parties in a predominantly ZANU (PF) area.

We had several opportunities to impress on the Governor the strength of feeling within the Group against any use of the Ordinances, and were

heartened to find that other observer groups both shared and voiced similar concern. It is now a matter of record that no further action was taken under the Ordinances, although the possibility of action did not abate until polling actually began.

In the course of our examination, it became apparent to us that many of the parties who were complaining of an inability to campaign in certain areas had simply not tried to do so. Others had pleaded intimidation as the cause for people failing to attend their meetings rather than concede that they had no following there. Intimidation had become the catch-cry of the campaign, and it was echoed time and again.

Throughout the campaign the fear persisted that the Security Forces might, in certain circumstances, repudiate the outcome of the election, and that the call-up was designed to enable them to encircle the Assembly Places and neutralise any possible opposition. We considered it important, therefore, to meet General Peter Walls, Commander of Combined Operations. He gave us a solemn assurance that the guerrillas in the Assembly Places had nothing to fear from his forces, who would continue to be loyal to the constitutional authority and accept the outcome of free and fair elections. He also expressed in no uncertain terms his rejection of any outside interference in the domestic affairs of Rhodesia, from whatever quarter.

Our assessment that the level of intimidation had been substantially exaggerated was fortified by figures provided by the police (Annex 27) after we had published our Interim Report. These show the number of interfactional incidents reported to the police between 9 December 1979 and 25 February 1980, of which there were only 20 in Victoria and 20 in Manicaland, both areas where intimidation was said to have been particularly bad. This we found surprising, even after allowance had been made for the fact that there were a number of "no go" areas in these Provinces where such incidents by definition could not occur.

Effect of Intimidation

Intimidation was undoubtedly a factor in the elections particularly in some TTLs, and may over a few areas have contributed to the high turnout. We now look at its effect on the voters' freedom of choice, against the extremely high level of political consciousness we found among the African population.

In assessing the effects of intimidation we felt bound to take note of the African population's proven record in resisting official blandishments and pressures in the past. The unofficial referendum of 1961, organised by the National Democratic Party led by Mr. Nkomo, convincingly rejected the proposed constitution which would have extended the franchise to only a small number of Africans. Again, in 1971-1972, the African community as a whole, led by Bishop Muzorewa, showed both courage and fortitude in their rejection of the Smith-Home agreement when its acceptability was tested by the Pearce Commission, despite evidence of pressure and intimidation being brought to bear by the Authorities. The Commission reported that the whole country was "alive with political activity at the grass roots" and noted the presence of "many politically minded and intelligent persons living in and visiting the Tribal Trust Lands who could stimulate discussion and carry news and views

far into the countryside." The long years of the war, too, had since further heightened political awareness, and had done so in the most remote parts of the country.

We have noted earlier the politicisation of the people in the areas dominated by ZANLA and ZIPRA forces. Not only was the electorate highly politicised and of proven independence of mind, but there was the additional factor of belief in the secrecy of the ballot. A major educational campaign had been mounted by the National Election Directorate in preparation for the 1979 elections, and this was reinforced by a similar campaign for this election.

Pictures of locked ballot boxes were published and a special point was made of the fact that the ballot papers would all be taken to Britain and eventually be destroyed there. This fact was very widely publicised to reassure voters. "No one will ever know how you vote" was also stressed in radio advertisements. A personal "guarantee" was given in newspaper advertisements featuring the Governor.

The reconciliation of used and unused ballot papers took place on a district, not polling station, level and the count at provincial level so that no idea could be gleaned as to the way in which particular areas or communities had tended to vote. This was public knowledge, and seemed to be well understood.

British Election Supervisors also saw it as part of their duties to promote the message of secrecy in the many meetings they addressed up and down the country. Their very presence, too, along with that of an unprecedented number of international observers, further enhanced belief in the integrity of the process. Moreover, the parties themselves were seen as publicly stressing the element of secrecy.

As we travelled round the country we made a special point of testing people's belief on this point, and our clear impression was that the message had been received and understood in the wider electorate. This was further reinforced by discussions with people during the days of the poll. At a meeting of senior party officials in Victoria Province, too, the view was expressed a week before the poll that the message of secrecy had got through. There might still have been some people in remote areas who were susceptible to suggestions that the way they voted could be determined from looking into their eyes, or that satellites would be watching from the skies, but we were satisfied that they constituted an insignificant proportion of the total electorate.

It was also the position that the party list system of proportional representation afforded a safeguard against intimidation distorting the results, as on average some 28,750 or so votes were needed to gain even one additional seat.

The final question which must be answered is whether the parties had an adequate opportunity to take their case to the people.

Although the campaign was short, it featured an intense burst of political activity. Each party made extensive use of advertising, both in the newspapers and on radio and television, as well as of free radio and television time for party broadcasts. Posters proliferated throughout the land, and many that were torn down were quickly replaced. A great quantity of leaflets was distributed, most of a constructive nature but some quite scurrilous. T-shirts and party headgear were very much in evidence, in every colour and with a variety of party motifs. Indeed both the T-shirts and the posters on occasions proved useful indicators of the range of political activity in particular areas. The subject of the elections dominated every conversation, and everywhere we went we found a real and a lively interest being taken. This interest, too, was reflected in the massive turn-out.

It is true that there were a few occasions when leaders were unable to campaign personally, but we did not see this as seriously impairing their ability to present their case. The country has a strong oral tradition, and the extent to which parties were handicapped in this way was largely overcome by the use of radio broadcasts.

As it happened a number of factors seemed to combine to steady the course of the campaign. Perhaps a fear, generated by the bombings, that the Agreement was about to fall apart; perhaps the unexpected success which attended the courage to campaign in hitherto closed areas; perhaps a series of appeals for calm by party leaders; perhaps a realisation that the facts of political life were not as bad as reputation had them; perhaps the threat posed by the two Ordinances. Whatever the reasons, the temperature dropped sharply in the last week of the campaign. It was thus in a much more relaxed and confident frame of mind that the parties completed their campaigns.

It will be evident from what we have said that the election campaign was characterised by a number of aberrations from the conditions envisaged by the Lancaster House Agreement. The most serious in our view was the failure of the Administration to treat the parties on an equal footing, but while it clearly at times found great difficulty in adjusting to a radically changed situation, the extent to which it succeeded should also be acknowledged. In the circumstances the degree to which the other conditions were fulfilled was gratifying. Overall, there was a very substantial level of peaceful political activity by all the parties, and sufficient freedom of movement, assembly and expression to enable the parties to put their case to the electorate. We were satisfied that the people would be going to the polls with an appreciation of the positions of the various parties, confident for the most part in the secrecy of the ballot, and thus capable of making an informed choice according to their best judgement.