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Britain and Rhodesia

In a Press conference held on 3rd May 1966, the Portuguese Foreign Minister said, *inter alia*:

"Because the tanker has entered Beira harbour a member of the British Government, Lord Walton, came to Lisbon. His main aim was to get Portugal to transform its policy of strict neutrality in order to take a positive part in anti-Rhodesian intervention. Apart from this general facet of the problem, however, the conversations dealt with several concrete points, which it seemed to be in the interest of the two governments to consider and throw light on. It was in the course of this examination, and before it closed, that the Government of the United Kingdom, without informing us beforehand, considered it its duty to call a meeting of the Security Council in New York.

" . . . As regards this meeting of the Council, perhaps the friends of Great Britain are persuaded that it acted with great skill and gained a flattering diplomatic success. What the British Government achieved was to carry out a carefully thought out and studied plan as if it were an improvised measure imposed by unexpected and sudden circumstances . . . "

This earlier incidence throws much light on a carefully thought out and studied plan to impose mandatory sanctions on Rhodesia. The following report of the White Paper tabled in the Rhodesian Parliament by the Prime Minister, Mr. Ian Smith, on January 25 is taken from *Rhodesian Commentary* of Feb. 10, 1967:

Rhodesia was unable to accept that part of the proposals which concerned the return to legality. The White Paper points out that this part of the proposals provided the British Government with several perfectly legal procedures for modifying and amending the proposed changes to the 1961 Constitution.

These changes to the Constitution were accepted by the Rhodesian Government but, because that part of the proposals dealing with the return to legality would have made it possible for the British Government to modify and amend them, the White Paper says, the proposed changes do not represent a constitutional settlement.

The constitutional settlement would come about only after negotiations with the proposed interim government.

Should the constitutional settlement ultimately drawn up not prove to be acceptable to the people of Rhodesia as a whole, Rhodesia would, at best, have returned to a constitutional position under the 1961 Constitution.

This had been emasculated by legislation passed by the British Parliament since the Declaration of Independence.

After Rhodesia assumed its Independence on November 11, 1965, the British Parliament enacted the Southern Rhodesia Act, 1965 (Elizabeth II—Chapter 76). This law is still in force so far as the British Government is concerned. An implementation of the proposals concerned with the return to legality would have been carried out within

the legal ambit of this Act and the Orders in Council in respect of Rhodesia made under it.

The convention that the British Parliament does not legislate for Rhodesia except at the request of the Rhodesian Government has been broken with the passing of the Southern Rhodesia Act, 1965 (Chapter 76), and it cannot be restored except by legislation of the British Parliament or by a written statement of the British Government.

Neither exists and, therefore, a return by Rhodesia to the 1961 Constitution, as modified, would mean a return to a Constitution without the guarantee of the convention. This would provide another avenue for direct legislation by Order in Council.

Rhodesia, says the White Paper, would again have to face the prospect of another series of negotiations with the knowledge that even greater concessions than those which were offered at the "Tiger" talks, would be demanded.

If the Rhodesian Government did agree to the proposed method of a return to legality, some of the possible consequences would have been:—

There is no guarantee that Sir Humphrey Gibbs would be Governor—legally the British Government could replace him without notice.

Parliament would be dismissed, but there would be no guarantee that this would be limited to the period of four months mentioned in the Working Document.

The period of interim government could, in fact, be extended indefinitely.

Mr. Smith would head the interim government, but there is no guarantee that he would have any say in the choice of Ministers. In terms of the Southern Rhodesia Act passed by the British Government, the British Government could give the Governor complete discretion over the appointment of the interim government.

Without the protection of the convention, the British Government could, at any time, give the Governor executive powers which he could exercise at his own discretion, and the Governor would be free to carry out the instructions of the Commonwealth Relations Secretary rather than to act on the advice of his interim Ministers.

Where the maintenance of peace and order are concerned, the Governor and the British Government representative on the proposed Defence and Security Council would be in a position to make all the major decisions irrespective of the opinions of the Rhodesian Ministers and Service Chiefs on the Council.

A situation could arise, during the proposed test of opinion while the interim government was in office, which would provide the British Government with the excuse to send in military assistance.

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FROM WEEK TO WEEK

The Tablet (April 8, 1967) writes: It is impossible not to be sorry for U Thant. He lives under constant pressure from the members of the United Nations, now 122 States strong, most of them ready to blame the Americans for the war in Vietnam. But when U Thant makes proposals he gets no sort of support from the Communists in control in Hanoi. This undermines his position, because it makes him appear as lending himself to the Communist tactics which endeavour to divide and confuse the American public . . .

If the author of that note would read, for example, *The Fearful Master*, *None Dare Call It Treason*, or *America's Retreat From Victory*, or one or two of several other books, he might re-cast his note somewhat as follows: "It is not possible not to regard U Thant as a menace. He focuses the pressures of that great majority of members of the United Nations who accuse, in harsh terms, America of brutal imperialism, and adds his own. This accords perfectly with the tactics of the Communists in control in Hanoi: the division and confusion of the American public."

The Tablet must know the circumstances of U Thant's re-appointment as Secretary General, at a time when tension over the war was already high and that "most" of the States represented in the United Nations did not vote for him in order to undermine him. The "most", for whatever reasons, further Communist objectives; and so does U Thant. The appearance thus is the reality.

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The Tablet also says: "Hence the importance which attaches to the attempts to provide a civilian democratic Government for those Vietnamese who do not want to live under the Communist yoke . . . There is very little to build on in Vietnam, and the Communist technique, as perfected in China, is to make it extremely dangerous to take public office. Those who are elected will be in immediate physical danger, especially if they are village officials, for whom no effective protection can be provided." So it seems that it is important to bring about a situation where the victors of elections are likely to be the victims of the Communists. Of course, another of the blessings of democracy is that you

can always have further elections—at least until the supply of potential victims runs out.

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"Pope Paul said today that 'irreverent and Utopian' thinking was spreading like an epidemic through the Roman Catholic world and threatening the true faith.

"He declared: 'Something very strange and painful is happening, not only in profane, unreligious or anti-religious mentality, but even in the Christian field, not excluding the Catholic camp, and often, by an inexplicable spirit of dizziness, even among those who know and study the word of God.'"

—*Guardian*, April 8, 1967.

The Ecumenical Council goes some way towards providing an explanation. But of course the destruction of religion always has been a stated objective of the Communist Conspiracy, anteceding the formation of the Communist Party by a very long time. The method was to be, and has been, by the dissemination of carefully contrived ideas which would act like mental eroders, which, insinuated into society secretly at first, spread and gradually became 'respectable' as 'liberal' views and later became institutionalised, largely through the activities of the Fabian Society and its creation the London School of Economics and Political Science. These provided the teachers who invaded the schools, some of whose pupils became clergy, with cumulative effects, until now, as Pope Paul observes, "the most radical aggressions are admitted against sacrosanct truths".

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It is not widely recognised that in relation to the U.S.S.R. the U.S.A. is being disarmed. How this is being done is explained by Rear Admiral Chester Ward (ret.) in an article in the May issue of the magazine *American Opinion*. The major strategy is to bring about a situation where America's nuclear 'deterrent' ceases to be credible as a deterrent, because in the face of 160,000,000 American victims of a U.S.S.R. "first-strike", an American return strike would be futile, while the U.S.S.R. is said to have deployed sufficient anti-missile missiles to stop the effect of an American first-strike. When the American public can be convinced that such is the position, surrender to an ultimatum will seem inevitable.

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Nobody outside the U.S.A. can do anything about the above situation. But if as much effort could be put into the campaign to recognise Rhodesian independence as has been put into the anti-fluoridation campaign, it would help force the exposure of the Conspirators, and so contribute to what might be done in the U.S.A. to defeat them.

Britain and Rhodesia

(continued from page 1)

The negotiations would be with the interim government which, composed as it will be of divergent elements, would lack cohesion and would be exposed to pressure from the British Government, exerted through the Governor, to accept alterations and modifications to the constitutional proposals discussed on the "Tiger".

In terms of the proposed Defence agreement between the two Governments, there would be nothing legally to prevent provisions being accepted whereby British troops or British bases could be established in Rhodesia and maintained there at the option of the British Government.

The White Paper publishes for the first time the text of Mr. Smith's reply to Mr. Wilson after his Cabinet had considered the "Tiger" proposals. It reads:—

"We accept the principal changes which you suggested be

made to the 1961 Constitution as a basis for a Constitution for Independence which will meet the six principles.

"While the Constitutional outline is acceptable to us, it would be irresponsible for us to abandon the 1965 Constitution, under which we are presently working, before we have assurances, without any shadow of doubt, that your constitutional proposals will be secured to us, instead of some possible constitution of an unknown nature or a situation in which a constitution might not eventuate. In our view, Her Majesty's Government must carry out their responsibilities for putting their constitutional proposals to the test of the opinion of the people of Rhodesia as a whole before we could accept an agreed procedure to move from the 1965 Constitution to the new one.

"We are unable to accept the procedures which you suggest for the return to legality".

The White Paper says it must be remembered that, while the constitutional proposals have been declared to be acceptable to the Rhodesian Government as a basis for a constitution which will meet the six principles laid down by the British Government, they were part of a compromise.

The Rhodesian Government agreed to them as an earnest of good faith in the negotiations for the recognition of Rhodesia's independence.

The suggested procedure for amending the specially entrenched provisions for the Constitution includes a system of appeal; first local, then to the Judicial Committee of the Privy Council. The permitted grounds of appeal would include any amendment which contravenes any of the provisions of the Declaration of Rights.

This, says the White Paper, would have the effect of making the Declaration of Rights immutable, and as this was never intended, and would be totally unreasonable, is an error.

The White Paper says the British Government presumably sees the proposal for a Royal Commission to study and make recommendations on the problems of racial discrimination with particular reference to land, as the back door by which it could enforce the elimination of the Land Apportionment Act.

The British Government have always regarded this legislation as one of the chief obstacles in the way of early and premature majority rule.

The use of the words, "Royal Commission" will give the British Government the right to appoint a purely British Commission composed entirely of persons of their own choosing; the term "Royal Commission" is unknown in Rhodesian law.

The Rhodesian Government has never seen the necessity for the establishment of such a Commission. In their view, effect was continually being given to the removal of racial discrimination through the implementation of Government policy.

What appears to be the true purpose of this Commission is contained in the words, "the possibility of extending the competence of the Constitutional Council to embrace pre-1961 legislation". This indeed could well have been the first task of the Royal Commission. Once this competence had been established, the Constitutional Council could certainly use it to secure the repeal of the Land Apportionment Act.

The White Paper points out that the Southern Rhodesia Act passed by the British Parliament after Rhodesia assumed its independence, and the Southern Rhodesia Constitutional Order which followed it, made important changes in the 1961 Constitution.

The most important of these was that Southern Rhodesia remains part of Her Majesty's Dominions and the British Government have responsibility and jurisdiction in respect of it.

The Act gives the British Government powers to make Orders in Council in relation to Southern Rhodesia.

The Southern Rhodesia Constitution Order declares the 1965 Constitution to be of no effect, and states, among other things, that the present Parliament may not legally function.

The order seeks to render inoperative or to alter a total of 40 sections of the 1961 Constitution.

The White Paper says in view of the blanket executive authority given to the Secretary of State, many other sections of the Constitution could be made inoperative.

Dealing in detail with the proposed method of return to Constitutional Government, the White Paper says the 1961 Constitution requires that an election be held not later than four months after the dissolution of Parliament.

The first general election contemplated under the plan for a return to legality was dependent on the assumption that the test of acceptability of the new Constitution, would be completed in this period.

The Working Document contains no stipulation that the test must be carried out within this period; nor is any hint given that instructions on this matter would be given to the Royal Commission. In the event of the test of acceptability not having been completed, some amendment to the Constitution would be necessary to meet the situation.

Since the protection enjoyed by Rhodesia by virtue of the convention no longer applies, the British Government would be free to make any new rules it required, and there is no guarantee, despite what Mr. Wilson has subsequently said, that the period of four months could not be extended indefinitely.

The new Elections would presumably take place under the 1961 Constitution. But what this would mean in practice is far from clear in view of the Southern Rhodesia Act, 1965 (Chapter 76) and Orders in Council made and to be made under it.

Further, in view of the amendments already made to the 1961 Constitution by the British legislation, it is not clear where the executive powers would lie after the elections, and whether the new House would be given legislative powers.

During the life of the interim government, the Governor would take the place of Parliament.

While section 2 of the 1961 Constitution reasonably circumscribes the powers of the Governor, these could be altered and fresh instructions given to him by the British Government by virtue of the powers which have been reserved to Her Majesty under Section 111 of the Constitution to amend this and certain other sections of the Constitution.

Thus, if the British Government so desired during the interim period, there would be nothing to prevent them manipulating the provisions of section 2 in order to give instructions to the Governor under the Royal Sign Manuel and Signet on what legislation is to be made for Rhodesia.

Although it is stated that the Governor would use his legislative powers on the advice of Ministers, there is no qualification made to the reservation about cases where he is empowered to act in his own discretion.

In other words, the Secretary of State, using the powers he now possesses under section 2 and III of the 1961 Con-

stitution, as modified by the Southern Rhodesia Constitution Order, 1965 (1952 of 1965), would be legally entitled to direct the Governor how he was to use legislative powers for the peace, order and good government of Rhodesia.

The Governor's constitutional powers would be what the Secretary of State decides to give him.

Mr. Smith merely heads the broad-based interim government and none of its members are to be appointed on his recommendation. There is no guarantee that he would have any say in the representatives to be selected for government, nor is there any legal limitation on the numbers of Ministers, nor on the source from which they could be drawn.

No provision is made for the Prime Minister to be consulted. It would be possible for the British Government to give the Governor complete discretion over the selection and appointment of the broad-based government and the allocation of portfolios.

The White Paper says that notwithstanding assurances and interpretations which have been given to the effect that the Governor would have no executive authority and no authority to override the interim government, it still remains legally the case that without the protection of the convention and using the powers conferred by the Southern Rhodesia Act, 1965 (Chapter 76), the British Government could, at any time, vary the instructions to the Governor and provide him with executive powers which he could exercise at his own discretion without reference to Ministers.

The interim government is made responsible to the Governor and in that capacity, could hardly be called advisers of the Governor; they could be merely servants of the Governor appointed to carry out his instructions and those of his superior, the Secretary of State.

On the most fundamental functions of government, namely, peace and order, the Governor will not be advised by the restored constitutional government. Instead he will be advised by a Defence and Security Council. There is nothing which says that legally he is required to act on their advice.

The Defence and Security Council is open to domination by the representative of the British Government who will be a member of it. The Governor, in his capacity as Commander-in-Chief, will be supreme legally. He will have been able to choose in his own discretion those persons who are to be responsible Ministers on the Council, and the Prime Minister will have no say in this selection.

The British Government representative and the Governor would be placed in the position to take all the major decisions, notwithstanding the opinions of responsible Rhodesian Ministers or those of the Rhodesian Service Chiefs.

The question of permitting normal political activities and the possible freeing of some detainees and restrictees, while testing public opinion on the proposed Constitution, would almost certainly require amendment to existing legislation.

It has been proved conclusively over the years, says the White Paper, that it is not possible to permit extreme elements to organize mass meetings of people without exposing the country and the ordinary people to violence and intimidation. It is doubtful whether an interim government could contain such a situation and this would provide the British Government with the excuse to send in British military assistance.

The White Paper points out that there was no legal obligation on the interim government to honour the arrangements suggested in the Working Document.

Even if the statement were shown to be acceptable to the people as a whole, there was no guarantee that independence would follow, for the British Government would only be able to commend the necessary legislation to the British Parliament which could amend the legislation or reject it.

On the suggestion that the "two governments" should also negotiate the terms of a treaty guaranteeing the independence constitution and a Defence agreement, the White Paper says the terms "the two governments" is ambiguous. Which government on the Rhodesian side is meant—the final constitutional government or the interim government? If the latter, then the situation is created whereby an interim government will negotiate the treaty and accept terms over which the ultimate constitutional government will have no say. Since the interim government, as has been shown, would be completely under the domination of the British Government, the terms of the treaty could in practice be laid down by the British Government.

The same argument applies to the defence agreement. There will be nothing legally to prevent provisions being accepted, whereby British troops or British bases can be established in Rhodesia and maintained there at the option of the Government.

The Preface to the White Paper says it has been produced to demonstrate the legal courses and options which would have been open to the British Government if the Rhodesian Government had accepted the plan for a return to legality drafted aboard *H.M.S. Tiger*, and for the implementation of the fifth principle, which provides that any settlement must be acceptable to the people of Rhodesia as a whole.

The Preface says that the analysis is published in order to provide the general reader with an authoritative guide to the interpretation of that part of the Working Document which the Rhodesian Government was unable to accept, and to help him understand the Rhodesian case.

It says it is to be expected the British Government will contest some, if not all, of this analysis, but it must be remembered that there are two sides to this case. What is set out in the Paper represents the Rhodesian Government's view of the implications which underlie the British Government's proposals for a settlement. They are as logical as the British Government's interpretations and they provide an explanation for the decision which the Rhodesian Government took on the 5th December, 1966.

Rhodesia and Independence

by Kenneth Young

Reference was made to this book (pub. Eyre & Spottiswoode, London, 1967) in *The Social Crediter* of 22nd April, 1967, and copies may be purchased BY SPECIAL ORDER through K.R.P. Publications Limited, 245 Cann Hall Road, London, E.11. Price 42s. net. plus 5/- postage.

Third World War

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