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INFORMATION FROM NON-SELF-GOVERNING TERRITORIES

POLITICAL AND CONSTITUTIONAL INFORMATION ON  
AFRICAN AND ADJACENT TERRITORIES UNDER UNITED  
KINGDOM ADMINISTRATION

Note by the Secretary-General

NORTHERN RHODESIA

In accordance with the statement of the Secretary of State for Foreign Affairs of the United Kingdom of Great Britain and Northern Ireland on 27 September 1961, the Government of the United Kingdom has transmitted to the Secretary-General the following political and constitutional information on the Territory of Northern Rhodesia.

This information, which was received on 26 February 1963, is herewith submitted to the General Assembly at its eighteenth session.<sup>1/</sup>

<sup>1/</sup> In accordance with General Assembly resolution 1700 (XVI) of 19 December 1961, this information is also submitted to the Committee on Information from Non-Self-Governing Territories.

## NORTHERN RHODESIA

### POPULATION

1. The estimated population of Northern Rhodesia at 30 June 1962 was 2,550,000, comprising 2,462,000 Africans, 77,000 Europeans and about 11,000 others mainly Asians.

### POLITICAL STATUS AND RECENT POLITICAL DEVELOPMENT

2. Northern Rhodesia is a British Protectorate forming part of the Federation of Rhodesia and Nyasaland.
3. The first major step towards a ministerial system of government was taken in 1954 when the principle of collective responsibility amongst the members of the Executive Council for government decisions was established. There were then 4 unofficial members of the Council with ministerial portfolios, and the Legislative Council consisted of 25 members of whom 4 were African.
4. Under the Constitution introduced in 1959, the Executive and Legislative Councils were enlarged and for the first time there was provision for an unofficial majority in the Executive Council whose members were styled ministers. A new system of elections to the Legislative Council was also introduced with a two-tier qualitative franchise which is still retained. The present Constitution came into force in September 1962. Under its provisions the franchise was widened and the Legislative Council was enlarged to 45 elected members, with provision for the Governor to nominate up to 6 officials and, if necessary, a small number of members to represent special interests (in actual fact only the 6 officials have been appointed). The first general election under the new Constitution was held on 30 October 1962 and was completed by a number of by-elections on 10 December 1962. The Executive Council formed from the new Legislative Council took office on 15 December 1962.

### CONSTITUTION

5. The main features of the present Constitution are as follows:

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### Governor

6. The Governor (at present Sir Evelyn Hone) is appointed by the British Government and is the Queen's Representative and also the head of the Executive in the Territory. In the exercise of his executive powers, he is advised by the Executive Council. In certain circumstances he can act without consulting them or act otherwise than they advise, but this is rare and special procedures are required if the Governor acts in this way, including an immediate report to the British Government. The Governor's assent is required for laws enacted by the Legislative Council.

### Executive Council

7. The Executive Council is the chief executive body responsible for the government of the Territory within the sphere of powers of the Territorial Government. It consists of 6 ministers appointed by the Governor after consultation with those persons who appear to him most likely to command the support of the majority of the elected members of the Legislative Council together with 4 officials, the Chief Secretary, the Attorney-General, the Minister of Finance and the Minister of Native Affairs. It sits under the chairmanship of the Governor. The present membership is as follows:

Mr. K.D. Kaunda (UNIP) . . . . .	Minister of Local Government and Social Welfare
Mr. H.M. Nkumbula (ANC) . . . . .	Minister of African Education
Mr. C.E. Cousins (ANC) . . . . .	Minister of Land and Natural Resources
Mr. R.C. Kamanga (UNIP) . . . . .	Minister of Labour and Mines
Mr. S.M. Kapwepwe (UNIP) . . . . .	Minister of African Agriculture
Mr. F.N. Stubbs (ANC) . . . . .	Minister of Transport and Works

### Official Members

Mr. R.E. Luyt . . . . .	Chief Secretary
Mr. B.R. Doyle . . . . .	Attorney-General and Minister of Legal Affairs
Mr. T.C. Gardiner . . . . .	Minister of Finance
Mr. F.M. Thomas . . . . .	Minister of Native Affairs

## Legislature

8. The Northern Rhodesia Legislature is uni-cameral, and consists of a Legislative Council of elected and nominated members under the chairmanship of a Speaker. The Constitution provides that it should consist of 45 elected members, and a small number of other members nominated by the Governor including the 4 official members of the Executive Council and 2 other officials. There is also provision whereby the Governor can nominate further members to represent special interests, but this power has not been used. The elected members of the Council comprise 19 Africans, 16 Europeans, 1 Asian and 1 coloured member. Eight national seats will remain unfilled during the life of the present Council (see paragraph 10).

## House of Chiefs

9. There is a separate House of Chiefs representing all the Chiefs in the Territory. Its functions are advisory rather than legislative.

## ELECTORAL SYSTEM

10. Under the present Constitution, members of the Legislative Council are elected on a two-tier qualitative franchise containing voters of all races. Fifteen members are elected by voters on an upper roll and 15 by voters on a lower roll. Of the remaining 15 elected members, one is elected by the Asian and coloured communities and the other 14 members by voters on the upper and lower rolls voting together in seven two-member national constituencies. For these seats, the voting power of the two rolls is equalized, and successful candidates must obtain (a) at least 10 per cent of votes from both races; and (b) 20 per cent of the votes cast by one of the two rolls. Elections under these new arrangements took place on 30 October 1962 and further by-elections took place on 10 December. In the case of 8 seats in national constituencies, no candidate was successful in obtaining the necessary percentage of votes from both races, and under the Constitution these seats will remain vacant.

11. The composition of the parties in the Legislative Council is as follows:

United National Independence Party . . . . .	13 seats	} Coalition Government
African National Congress . . . . .	7 seats	
United Federal Party . . . . .	16 seats	

## POLITICAL PARTIES

### African National Congress (ANC): Mr. H.M. Nkumbula, Leader

12. The ANC was formed in 1948. Its policy is to secure universal adult suffrage and the secession of Northern Rhodesia from the Federation. The Party has 7 seats in the Legislative Council (5 Africans, 2 Europeans) and has joined with the United National Independence Party in a Coalition Government.

### United Federal Party (UFP): Mr. H.J. Roberts, Leader

13. The UFP was founded in 1953 on an inter-territorial basis. Its policy is one of racial partnership based on common standards. As its name implies, it is against withdrawal of Northern Rhodesia from the Federation. The Party has 16 members in the Legislative Council (14 Europeans, 2 Africans).

### United National Independence Party (UNIP): Mr. K.D. Kaunda, Leader

14. The UNIP was formed in 1958. Its policy resembles that of the African National Congress with whom it is co-operating in Coalition Government. The Party has 13 seats in the Legislative Council (12 Africans and 1 Coloured).

## JUDICIARY

15. The High Court of Northern Rhodesia consists of a Chief Justice and 4 puisne judges, all appointed by the Governor. The Chief Justice and 2 puisne judges sit at Lusaka (to hear cases arising in the Central Province) and go on circuit for cases arising in the Eastern Province and Barotseland. Two puisne judges sit at Ndola to hear cases arising in the Western and North-Western Province; they go on circuit to try cases arising in the Northern and Luapula Provinces. There are also subordinate courts and Native courts. The latter follow Native law and custom prevailing in their area, so far as it is not inconsistent with the provisions of any law of the Territory. They also administer the law in certain ordinances within prescribed limits.

## LOCAL GOVERNMENT

16. In rural areas, the local government is mainly in the hands of Native authorities whose position and authority are to a large extent based on local custom. Each Native authority normally has a representative council whose membership is also prescribed by local custom. These authorities have power to make orders and rules on such matters as agriculture, forestry, game conservation and the levying of local rates and fees. The structure and organization of these authorities varies considerably according to the local traditional institutions.

17. In urban areas the main local authorities are the municipal councils (including one city council) which are responsible for the main municipalities, township management boards, which operate in the smaller centres of population, and African township management boards, which operate in the African townships sited near the larger towns. Municipal councils have elected majorities and one third of the councillors are elected each year on a franchise deriving from the ownership or occupation of premises within their area. They have power to levy rates, borrow money, enact by-laws, manage housing schemes, and administer other services, including roads, water, electricity, parks, fire brigades, cleansing, public houses, sanitation, town planning, etc. Township management boards have nominated or elected members and may not enact by-laws or borrow money from outside government sources; in other respects, however, their powers are similar to those of municipal councils.

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