



Eighteenth session

## INFORMATION FROM NON-SELF-GOVERNING TERRITORIES

POLITICAL AND CONSTITUTIONAL INFORMATION ON  
AFRICAN AND ADJACENT TERRITORIES UNDER  
UNITED KINGDOM ADMINISTRATIONNote by the Secretary-General

## ADEN

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 Aden.

This information, which was received on 27 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.

## ADEN

1. The following notes describe the position in Aden at the end of 1962, although important changes came into force on 18 January 1963 (see paragraph 18).

### POPULATION

2. Aden (known as the Colony) covers a small area of 75 square miles, comprising Aden Town, and the townships of Sheikh Othman and Little Aden. The hinterland is composed of autonomous states and known as the Protectorate. The estimated population of Aden is 220,000, while that of the hinterland is 1,000,000. At the census of 1955, the proportion of the various racial groups in Aden Town was as follows:

	(per cent)
Arabs . . . . .	75.2
Indians and Pakistanis . . . .	11.4
Somalis and others . . . . .	10.2
Europeans . . . . .	3.2

The balance of the population is not thought to have changed radically since 1955. The population of the Protectorate is mostly Arab.

### STATUS

3. Aden is under British administration, but has a considerable measure of self-government. The hinterland consists of a number of small autonomous states, whose rulers are in treaty relationship with the British Government. Information on Aden and the hinterland is therefore given separately in the two succeeding sections.

## 1. ADEN COLONY

### CONSTITUTION

4. The 1947 Constitution established a Legislative Council consisting of 4 ex officio members and 14 nominated members, 9 of whom were non-official. At the end of 1955, elections were held for the first time and 4 of the non-official seats were filled by elected members. Subsequently, administrative arrangements were made to enable elected members of the Legislative Council to be associated with the day-to-day work of government departments, and after further consultations between the British Government and representatives of the local population, the Legislative Council was reorganized in 1959 to include 12 elected members, 6 nominated members and 5 ex officio members. The Governor, who had formerly presided over the Legislative Council, was replaced by a Speaker. At the same time, the Executive Council was reconstituted to consist of 5 elected or nominated members of the Legislative Council and 5 ex officio members: the latter were given responsibility for a number of government departments and were styled "Members in Charge", this title being changed to "Ministers" in February 1961.

#### Governor

5. The Governor of Aden (at present Sir Charles Johnston) normally acts on the advice of his Ministers and is obliged in the exercise of his powers to consult the Executive Council (except in certain reserved cases). He may only act in opposition to the Council's advice in special circumstances and in accordance with specified procedures.

#### Executive Council

6. Under the 1959 Constitution, the Executive Council is chief executive body of Aden and it is responsible for the formulation of government policy and for the general direction of the affairs of the Territory. Its present composition, under the chairmanship of the Governor, is as follows:

Mr. A.S.S. Basendwah . . . . .	Minister for Health and Immigration
Mr. H.A. Bayooni . . . . .	Minister for Labour and Welfare, Local Government, Antiquities and Prisons
Mr. V.K. Joshi . . . . .	Minister for Public Works, Water and Civil Aviation
Mr. A.A. El-Saffi . . . . .	Minister for Posts, Telephones and Electricity
Mr. K.W. Simmonds . . . . .	Chief Secretary
Mr. W.G. Bryce . . . . .	Attorney-General
Mr. T. Oates . . . . .	Financial Secretary
Air Commodore L.M. Hodges . . . .	Military Representative

All except the last four named are inhabitants of Aden.

#### Legislature

7. The Aden Legislature is uni-cameral and consists of a Legislative Council presided over by a Speaker. It has 12 elected members, 5 ex officio members and 6 members nominated by the Governor. The Legislative Council is empowered to make laws for the Government of Aden.

8. The present Council is composed of 13 Arabs, 7 Europeans, 2 Somalis and 1 Indian.

#### ELECTORAL SYSTEM

9. Members of the Legislative Council are elected by 5 constituencies, 2 of which return 3 members each and the remaining 3, 2 members each. Electors must be British subjects born in Aden, or British subjects or protected persons who have resided in Aden for two years or more and who either own immovable property within Aden to the value of 1,500 shillings or who have been in occupation of residential or business premises in Aden of an annual value of 250 shillings for twelve months out of the preceding two years, or who have had an average monthly income of 150 shillings during the previous twelve months. The last elections were held in January 1959, and the following were elected:

Crater North<sup>a/</sup>

H.A. Bayoomi<sup>b/</sup>

H.I. Khodabux-Khan

Crater South

A.S.S. Basendwah<sup>b/</sup>

V.K. Joshi<sup>b/</sup>

A.M. Luqman

Tawahi

A.M. Alwan

Saeed Mohammed Hasson

Maala/Khormaksor

M.A. Abdo

J.A. Salole

Sheikh Othman/Little Aden

M.S. Husaini<sup>b/</sup>

M.A. Maqtari

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a/ One vacancy. Member died in 1962.

b/ Member of Executive Council.

JUDICIARY

10. The judiciary consists of a Chief Justice, two puisne judges, the Chief Magistrate, four divisional magistrates and a registrar. The Chief Justice presides over the Supreme Court, which has unlimited civil and criminal jurisdiction. The appeals from the Supreme Court are heard by the Court of Appeal for East Africa, which visits Aden annually for this purpose. There are also subordinate civil and criminal courts presided over by the Chief Magistrate, assisted by divisional magistrates.

## LOCAL GOVERNMENT

11. There are three local government bodies: Aden Municipality, Sheikh Othman Township Authority and Little Aden Township Authority. The Aden Municipality is an autonomous body which collects its own revenue, mainly from rates and taxes, and has a Council of 14 elected and 6 nominated members. The Sheikh Othman Township Authority comprises 4 nominated and 6 elected members, while the Little Aden Township Authority comprises 6 nominated members. The two township authorities are autonomous but collect taxes and fees on behalf of the central government.

## II. ADEN PROTECTORATE

12. The hinterland of Aden comprises the following States:

Sultanate of Lahej

Amirate of Dhala (including the Quatibi)

Sheikdom of Aqrabi

Sultanate of Audhali

Sheikdom of Upper Aulaqi

Sultanate of Lower Aulaqi

Amirate of Baihan

State of Dathina

Sultanate of Fadhli

Sultanate of Lower Yafa'i

Sultanate of Wahidi

(The above constitute the Federation of South Arabia.)

Sultanate of Upper Yafa'i (includes certain smaller sheikdoms and states)

Sheikdom of Sha'ibi

Sheikdom of Alawi

Sultanate of Upper Aulaqi

Sultanate of Haushabi

Sultanate of Shihri and Mukalla

Sultanate of Kathiri

Sultanate of Qishn and Socotra (including Mahra)

## CONSTITUTION

13. In 1959, six States joined together to form the Federation of Arab Emirates of the South. They have subsequently been joined by other States, as noted in the list above, and the Federation has been renamed the Federation of South Arabia. The Governor of Aden has no direct administrative powers in the Protectorate, but is generally responsible for relations between the Protectorate States and the Federation on the one hand and the British Government on the other. He is also responsible for advisory services to the Protectorate and has a certain (very limited) jurisdiction over non-indigenous residents in the Protectorate. Under the present Constitution, the general executive authority of the Federal Government is vested in a Supreme Council, of which each member in rotation is Chairman for a period of one month. The present members of the Supreme Council are as follows:

Sultan Nasser bin 'Aidrus al-Aulaqi . . .	Minister for Supreme Council Affairs and Acting Minister of Justice
H.H. the Sultan Fadhl bin Ali al-Abdali, Sultan of Lahej . . . . .	Minister of Defence
Sultan Salih bin Husain al-Audhali, Audhali Sultan . . . . .	Minister of Internal Security
Seyyid Ahmed Abdul-Illah al-Darwish . . .	Minister of Education
Sharif Husain bin Ahmad al-Habili . . . .	Minister of the Interior (father of the Amir of Baihan)
Sultan Ahmad bin Abdullah al-Fadhli, . . . The Fadhli Sultan . . . . .	Minister of National Guidance and Information
Sheik Ali Atif al-Kaladi . . . . .	Minister of Health
Sheik Muhammad Farid al-Aulaqi. . . . .	Minister of Finance (nephew of the Upper Aulaqi Sheik)
Nasir bin Abdulla Al Wahidi . . . . .	Minister of Agriculture

14. The Legislature consists of a Federal Council comprising six members from each of the federated States, chosen by the States according to the method which each State considers most appropriate to its own circumstances. The States not members of the Federation are administered by their separate rulers, with the advice and assistance of British advisory staff.

## JUDICIARY

15. The law courts of the States are of two kinds: sharia courts, which administer Qoranic Law, and Urfi (or common law) courts, which handle all cases outside the jurisdiction of the sharia courts.

## RECENT DEVELOPMENTS IN ADEN

16. From the middle of 1961 until May 1962, Ministers of Aden and of the Federation of South Arabia held discussions with the object of formulating proposals for closer association between Aden and the hinterland. Agreement was reached on the arrangements for Aden's accession to the Federation of South Arabia in August 1962, and these arrangements were approved by the Aden Legislative Council and by the Federal Council in September 1962.

17. On 16 January 1963, a treaty was signed between the United Kingdom Government and the Government of the Federation providing for Aden's accession. The necessary legislation came into operation two days later, when Aden became the twelfth state of the Federation. The title of the Governor, Sir Charles Johnston, has been changed to that of High Commissioner for Aden and the Protectorate of South Arabia.

18. On the same day as Aden joined the Federation, a more advanced constitution for Aden came into effect. The Executive Council was replaced by a Council of Ministers, all the Ministers being appointed by the High Commissioner on the advice of the Chief Minister. The only official sitting on the Council of Ministers is the Attorney-General. The High Commissioner will in general act on the advice of the Council of Ministers (except in certain reserved cases). The Legislative Council now consists of 16 elected members, 6 nominated members and the Attorney-General, with the Speaker. The new Aden Constitution includes a full code of fundamental human rights modelled on the European Convention, and the Federal Constitution in its application to Aden is subject also to this code.