



Seventeenth session

INFORMATION FROM NON-SELF-GOVERNING TERRITORIES: SUMMARIES
OF INFORMATION TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER
OF THE UNITED NATIONS

REPORT OF THE SECRETARY-GENERAL

AFRICAN AND ADJACENT TERRITORIES

ZANZIBAR

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 Zanzibar.

This information, which was received on 2 April 1962, is herewith submitted to the General Assembly at its seventeenth session.^{1/}

^{1/} 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.

ZANZIBAR

POPULATION

The estimated population of Zanzibar is 300,000. The division into racial groups is as follows:

Africans	230,000
Arabs	47,000
Asians	18,000
Somalis and others	4,500
Europeans	500
Total	<u>300,000</u>

STATUS AND PREVIOUS HISTORY

Zanzibar is under the protection of the United Kingdom Government. Its present Sultan, Seyyid Sir Abdulla bin Khalifa, rules as a constitutional monarch. Until 1956, there was an Executive Council presided over by the Sultan, consisting of the British Resident, the Heir Apparent and a number of ex-officio and official members. Apart from its executive functions, this Council contained features of a Privy Council, and it was considered more in keeping with the position of the Sultan as a constitutional monarch, and with the development of the Executive Council, that a separate Privy Council should be set up, presided over by the Sultan, while the Executive Council should be presided over by the British Resident. Accordingly, under the 1956 Constitution, a Privy Council was established consisting of the Sultan, the British Resident, the Heir Apparent, the Civil Secretary and the Attorney-General, while the Executive Council consisted of the British Resident, 7 official and 3 representative members (increased to 5 in 1959). At the same time, the Legislative Council was re-formed to include 4 ex-officio members, 9 official members, 6 representative members elected by common-roll franchise and 6 other members appointed by the Sultan.

PRESENT CONSTITUTION

In 1960, Sir Hilary Blood was appointed Constitutional Commissioner to make recommendations for further constitutional advance. The present Constitution is based in the main on his proposals and came into effect later in 1960. It provides for an Executive Council consisting of 5 elected ministers (one of whom is designated Chief Minister) and 3 official members, under the chairmanship of the British Resident. The Legislative Council consists of 23 elected members (originally 22 - see "Electoral System" below), 3 official members and up to 5 appointed members, under the presidency of a Speaker appointed from outside the Legislature.

EXECUTIVE COUNCIL

The Executive Council is the chief executive body of Zanzibar and is responsible for the direction of the government and administration. The Sultan, acting on the advice of the British Resident, appoints as Chief Minister that member of the Legislative Council who is able to command a majority. The remaining ministers are appointed by the Sultan on the advice of the British Resident after the latter has consulted the Chief Minister. Its present composition, under the chairmanship of the British Resident, is as follows:

- Mr. Muhamad Shante (Chief Minister)
 - Mr. Ali Muhsin Barwani (Minister of Education and Welfare)
 - Mr. Ibuni Saleh (Minister of Works, Communications and Lands)
 - Mr. Juma Aley Juma el Abrawy (Minister of Agriculture)
 - Mr. Ahmed Abdulahman Balaawy (Minister of Health)
 - Mr. P.A.P. Robertson (Civil Secretary)
 - Mr. P.N. Dalton (Attorney-General)
 - Mr. G.C. Lawrence (Financial Secretary)
- All except the last three named are inhabitants of Zanzibar.

LEGISLATURE

The Zanzibar Legislature is uni-cameral and consists of a Legislative Council presided over by a Speaker (Mr. K.S. Madon). The maximum life of the

Legislature is 3 years. All members of the Legislative Council except the 3 official members, i.e. the Civil Secretary, the Attorney-General and the Financial Secretary, and the 5 appointed members (two on the advice of the Chief Minister and one on the advice of the Leader of the Opposition) are elected. The Legislative Council may deal with all types of legislation, except that legislation on certain subjects (e.g., money bills, public service matters, external affairs) may only be proceeded with on the recommendation of the British Resident. All the elected members of the Legislature are indigenous.

ELECTORAL SYSTEM

Members of the Legislative Council are elected in single member constituencies. Electors must be Zanzibar subjects of the age of twenty-one or more, normally resident in the Territory. There is a literacy and a property qualification. Persons of thirty or more need not be literate.

The first elections under the new Constitution took place on 17 January 1961, and the results were as follows:

<u>Party</u>	<u>Number of seats</u>	<u>Number of votes cast</u>
Afro/Shirazi Party (Leader: Sheikh Abeid Karume)	10	36,707
Zanzibar Nationalist Party (Leader: Sheikh Ali Muhsin)	9	32,706
Zanzibar and Pemba Peoples Party (Leader: Sheikh Mohamad Shamte)	<u>3</u>	<u>15,541</u>
Total	22	84,954

Attempts by the two major parties to form a coalition government with the smaller Zanzibar and Pemba Peoples Party failed, and neither party was able to muster a majority among elected members of the Legislative Council. Arrangements were therefore made to hold fresh elections with the number of constituencies increased from 22 to 23. The results of the second elections held on 1 June 1961, were as follows:

ZANZIBAR

<u>Party</u>	<u>Number of seats</u>	<u>Number of votes cast</u>
Afro/Shirazi Party (Leader: Sheikh Abeid Karume)	10	45,172
Zanzibar Nationalist Party (Leader: Sheikh Ali Muhsin)	10	31,681
Zanzibar and Pemba Peoples Party (Leader: Sheikh Muhamad Shamte)	<u>3</u>	<u>12,411</u>
Total	23	89,264

A coalition government was formed by the Zanzibar Nationalist Party and the Zanzibar and Pemba Peoples Party with Sheikh Muhamad Shamte as Chief Minister, while the other four ministers were drawn from the Zanzibar Nationalist Party (see "Executive Council" above).

JUDICIARY

There are two systems of jurisdiction in operation in Zanzibar, represented by the High Court and the Zanzibar Court. The jurisdiction of the High Court is confined principally to British subjects. In practice, this dual jurisdiction makes little difference since the same members of the judiciary preside over both courts. In addition to these two courts, there are subordinate and juvenile courts, presided over by resident magistrates or district officials. There are also a number of kadhi Courts; these have no criminal jurisdiction and their civil jurisdiction is principally concerned with matters relating to Moslems of the Ibathi or Shafei sects. Finally, there are the mudirial Courts, in which the Mudir (or local district officer) is empowered to try minor offences occurring within his mudirai or sub-district.

The judiciary consists of a Chief Justice, a judge, three resident magistrates, a senior kadhi and a number of other kadhis. All are local inhabitants except for the Chief Justice and the judge.

LOCAL PARTICIPATION IN GOVERNMENT

All junior posts and many of the senior posts of the Civil Service are filled by locally recruited persons. Overseas officers are replaced as and when

/...

suitably qualified local personnel become available; for example, the Senior District Commissioner is a local inhabitant. As already noted, most members of the judiciary, all elected ministers and all but three members of the Legislative Assembly are local inhabitants.

LOCAL GOVERNMENT

In 1958, the Local Government Decree provided for the establishment of a system of local government by means of local councils. The objective is to give greater responsibilities to local councils than previously, including the passing of by-laws for the safety and well-being of the inhabitants of the local council area. Membership of such Councils normally includes both elected and nominated members as well as ex-officio members such as the local sheha (or headman) and public health officer. Six such councils are in being (2 in Zanzibar Island and 4 in Pemba). Councils are established when the people in the area have expressed agreement to their formation, and the actual area included is also settled in consultation with the people. The revenues of the Councils consist mainly of licences, rents and royalties together with any rates which they may decide to levy.

The most important local government body is the Zanzibar Township Council which is the successor of the Town Board originally formed in 1933. Since 1955 the Council has elected its own chairman from among the non-official members.
