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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

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 30 March 1962, is herewith submitted to the General Assembly at its seventeenth session.<sup>1/</sup>

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<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.

## N O R T H E R N   R H O D E S I A

### POPULATION

The estimated population of Northern Rhodesia at 30 June 1960 was 2,426,300. Of these, some 2,300,000 are African, about 77,000 are Europeans and 11,000 others are mainly Asians.

### STATUS AND RECENT HISTORY

Northern Rhodesia is a British Protectorate forming part of the Federation of Rhodesia and Nyasaland. 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 26 members of whom 4 were African. Under the present Constitution, which was introduced in 1959 and is still in force, both the Executive Council and the Legislative Council were enlarged. The members of the Executive Council were styled Ministers and 6 members of the Legislative Council, 2 of them African, were appointed as Ministers, outnumbering the 4 officials in the Executive Council. For the Legislative Council, a new system of elections was introduced with a two-tier qualitative franchise. The Council was enlarged to 30 members of whom 22 were elected in single member geographical constituencies. The effect of the introduction of a lower tier to the franchise was to ensure that, although only 2 seats were reserved by race for Africans, at least 6 other Africans would be elected in practice. New electoral arrangements will come into force later this year; these are set out on pages 4 and 5.

The main features of the present Constitution are as follows:

#### The Governor

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 acts on the advice of the Executive Council. In certain circumstances he is authorized to act

without consulting them or to 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. Similarly, the Governor's assent is required for laws enacted by the Legislative Council and is normally given.

### Executive Council

The Executive Council is the chief executive body responsible for the government of the Territory within the sphere of powers of the Territorial Government. The Governor normally consults the Executive Council and acts on its advice. Under the Constitution, it consists of up to 6 Ministers appointed by the Governor, together with 4 holders of important official posts, namely, 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:

Sir John Moffat (Minister of Land and Natural Resources)<sup>a/</sup>

Mr. H. Franklin (Minister of Transport and Works)<sup>a/</sup>

Mr. A.H. Gondwe (Minister of African Education)<sup>a/</sup>

Mr. E.M.L. Mwamba (Minister of African Agriculture)<sup>b/</sup>

Mr. R.E. Luyt (Chief Secretary)

Mr. B.A. Doyle (Attorney-General)

Mr. T.C. Gardner (Minister of Finance)

Mr. F.M. Thomas (Minister of Native Affairs)

Mr. C.E. Cousins (Minister of Labour and Mines)

### Legislature

The Northern Rhodesia Legislature is uni-cameral and consists of a Legislative Council of 30 members under the Chairmanship of a Speaker. There are 4 ex-officio members, 4 nominated members and 22 elected members. The Council has a life of up to 5 years. Its present membership comprises 20 Europeans, 9 Africans and one Asian.

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a/ Elected member of Legislative Council.

b/ Nominated member of Legislative Council.

### ELECTORAL SYSTEM

Under the present Constitution, members of the Legislative Council are elected in single member constituencies on a two-tier qualitative franchise containing voters of all races. The Territory is divided into 18 constituencies, in 12 of which the value of votes cast by voters on the lower tier is limited to one third of the votes cast on the higher tier. In the remaining six constituencies, the value of votes on both rolls is of equal value. The whole Territory is also divided into 4 constituencies; the area of 2 of these corresponds with the area of the 12 mentioned above, and the other 2 with the remaining 6; the former are reserved for African members and the latter for European members. Thus, for the areas in which the lower tier votes predominate, there are at least two European members and, for the areas in which the higher tier votes predominate, there are at least two African representatives. The results of the last elections held in March 1959 were as follows:

<u>Party</u>	<u>Number of seats</u>
United Federal Party . . . . .	13 (11 European, 2 African)
Northern Rhodesia Liberal Party . . . . .	5 (2 European, 3 African)
African National Congress . . . . .	2 (Both African)
Dominion Party . . . . .	1 (European)
Independent . . . . .	1 (African)

It was agreed, in October 1960, that the Constitution should be reviewed at a conference to which all the major political groups would be invited. This conference met in December 1960 and concluded in February 1961. At its conclusion, proposals were published for a Legislative Council of 45 elected members, of whom 15 would be elected by upper roll voters, 15 by lower roll voters and 15 by voters on both rolls voting together. Final settlement of certain matters, particularly in relation to the filling of these last 15 seats, was left for later consideration and further proposals were announced in June 1961. Neither the February nor the June proposals wholly met the wishes of any of the political parties in the Territory, although certain major features appeared to be generally acceptable. In September 1961, the British Government announced that it would be ready to consider representations within an area where divergences of view

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persisted, and hoped that such representations would disclose a prospect of general agreement. After further consultations had taken place, new proposals were announced in February 1962.

Under the new arrangements proposed, 15 members will be elected by voters on an upper roll (who are likely to return European members); 15 by voters on a lower roll (who will almost certainly elect African representatives); while of the remaining 15 members, one will be elected by the Asian and coloured communities and the other 14 members by voters on both rolls voting together. For these last seats, the voting power of the two rolls will be equalized, and successful candidates must obtain at least 10 per cent of votes from both races. The Territory will be divided into 15 constituencies for each of the rolls, and into 7 constituencies (each returning 2 members) for the election of the national members. Elections under the new arrangements are expected to take place later in 1962.

#### JUDICIARY

The High Court of Northern Rhodesia consists of the Chief Justice and four puisne judges. The Chief Justice and two 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 Ndolo to hear cases arising in the Western and North Western Provinces; they go on circuit to try cases arising in the Northern and Luapula Provinces.

#### LOCAL GOVERNMENT

In rural areas, the local government is mainly in the hands of "Native Authorities" whose position and authority is 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.

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 ratable property. They have power to levy rates, borrow money, enact bye-laws, manage housing schemes, and administer other services, including roads, water, electricity, parks, fire brigades, cleansing, public house, sanitation, town planning, etc. Township management boards normally have nominated members and may not enact bye-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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