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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

Kenya

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 Kenya.

This information, which was received on 27 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.

K E N Y A

POPULATION

The population of Kenya at 1 July 1960 was estimated at 6,550,000. The division of inter-racial groups is as follows:

Africans	6,263,300
Indians and Pakistanis	174,300
Europeans	67,700
Arabs	38,600
Others	6,100

1960 CONSTITUTIONAL CONFERENCE

The present Constitution of Kenya derives from the agreement reached at the Constitutional Conference which took place in January and February 1960, and which was attended by representatives of the major political parties in the Legislature at that time. At that time, the Territory already had a majority of elected members in the Legislative Council and in the Council of Ministers; the former had 91 members (excluding the Speaker), of whom 36 were elected by constituencies, 12 elected by the Legislative Council itself (sitting as an Electoral College), 37 nominated members and 6 ex-officio members, while the latter consisted of 16 ministers, of whom 8 were elected, one was nominated and 7 were ex-officio. The elected members of the Council of Ministers, like the ex-officio members, each had responsibility over one or more departments of government and thus played a considerable role in the administration of the country as well as having a full share in policy making.

CONSTITUTION

The head of the administration of Kenya is the Governor who is the Queen's representative, appointed on the advice of the Colonial Secretary in London. In the exercise of his executive powers in the ordinary internal affairs of the Territory the Governor normally acts on the advice of his ministers. His assent is required for laws passed by the Legislative Council and is normally given.

COUNCIL OF MINISTERS

At the 1960 Conference it was agreed that the Council of Ministers should consist of 12 ministers. A number of modifications have been made since, the latest as a result of the agreement at the Constitutional Conference of February-April 1962, that a National Government should be formed. The Council of Ministers now consists of 16 ministers, and the Governor (who normally presides) and the Deputy Governor. The present membership of the Council is as follows:

- | | |
|---------------------|--|
| Mr. R.G. Ngala | - Minister of State
with responsibility for constitutional affairs
(in liaison with the Governor's Office) and for
the Administration |
| Mr. J. Kenyatta | - Minister of State
with responsibility for constitutional affairs
(in liaison with the Governor's Office) and for
economic planning |
| Sir A. Swann | - Minister for Defence |
| Mr. A.M.F. Webb | - Minister for Legal Affairs and
Attorney General |
| Mr. J.S. Gichura | - Minister of Finance and Development |
| Mr. M. Muliro | - Minister for Commerce and Industry |
| Mr. W.B. Havelock | - Minister for Agriculture |
| Mr. L.G. Sagini | - Minister for Education |
| Mr. T.J. Mboya | - Minister for Labour |
| Mr. D.T. Arap Moi | - Minister for Local Government |
| Mr. B.R. MacKenzie | - Minister for Land Settlement |
| Mr. B. Mate | - Minister for Social Services |
| Mr. T. Towett | - Minister for Lands, Surveys and Town Planning |
| Mr. A. Jamidar | - Minister for Tourism, Forests and Wild Life |
| Mr. F.M. Mati | - Minister for Health and Housing |
| Mr. T.M.C.T. Chokwe | - Minister for Works and Communications |

LEGISLATURE

The Kenya Legislature makes laws for all the internal affairs of Kenya. Bills are passed by the Legislative Council and then submitted for the Governor's assent. The Legislature is uni-cameral. The Legislative Council consists (apart from the Speaker) of the following members: (a) the ex-officio members - i.e., those members of the Council of Ministers who are not otherwise members of the Legislative Council (at present, the Minister for Defence and the Minister for Legal Affairs); (b) 65 elected members; and (c) such nominated members as the Governor may appoint in pursuance of instructions given by Her Majesty through a Secretary of State. The elected members are in turn divided into: (a) 53 constituency members; and (b) 12 national members.

Each of the 53 constituency members is elected by voters registered on a common roll. Ten seats are reserved for European candidates, 8 for Asian candidates (of whom 3 must be Muslim and 5 non-Muslim), and 2 for Arab candidates. The national members are elected by the constituency members. Of the 12 seats held by national members, 4 are reserved for African candidates, 4 for Europeans, one for a Muslim Asian, 2 for non-Muslim Asians and one for an Arab.

ELECTORAL SYSTEM

The constituency members are elected in single member constituencies. Electors must be British subjects or British protected persons of the age of 21 years or more. There are certain residential qualifications, and in addition electors who are under the age of 40 and are not holders of one or other of certain offices must possess certain literacy or property qualifications. In order to ensure that candidates for the reserved seats command effective and genuine support within their own communities there must be primary elections for those seats among the electors in the respective communities. In the ordinary way each candidate must obtain 25 per cent of the total valid votes cast at the primary election in order to qualify for the general election.

The last elections took place in three phases between January and March 1961, and yielded the following results:

	<u>Seats</u>
Kenya African National Union	19
Kenya African Democratic Union	15
New Kenya Party	7
Kenya Coalition	3
Independents and other parties	21

JUDICIARY

The Supreme Court of Kenya has full civil and criminal jurisdiction. It consists of the Chief Justice and ten puisne judges. It sits in Nairobi, Mombasa and Kisumu continuously throughout the year, and criminal sessions are held monthly at Nairobi and every two months at Mombasa and Kisumu. Circuit sessions are held in other towns as necessary. Appeals from the Supreme Court lie to the Court of Appeal for East Africa. In addition, there are magistrates' courts and Muslim subordinate courts and African courts.

COUNCIL OF STATE

The Council of State was inaugurated in June 1958 to protect racial or religious communities against harmful discriminatory legislation. Its function is to report on such legislation, and it possesses powers to delay it. It can also report upon subordinate legislation which it considers to be discriminatory so that, if necessary, it may be annulled. It consists of a Chairman and ten members nominated by the Governor. Members are not chosen in accordance with any principle of sectional representation; its present membership is 4 Europeans, 3 Africans, 2 Asians and one Arab.

LOCAL PARTICIPATION IN GOVERNMENT

It is the policy of the Government to replace overseas officers in the Kenya Civil Service as soon as suitably qualified Kenyans become available. As already noted, a majority of the ministers and of the members of the Legislative Council are local inhabitants.

LOCAL GOVERNMENT

There are six municipal authorities established in Kenya; the City of Nairobi and the towns of Nakuru, Eldoret and Mombasa are administered by municipal councils, while Kisumu and Kitale are administered by municipal boards. The municipal councils have both elected and nominated Asian and African members, and the Mombasa Municipal Council includes Arab members. Electoral franchise is based on ownership or occupation of property or on residence and income qualification. Revenues are derived from rates and charges for services, such as water. With the exception of Nairobi, which is authorized to make stock issues, the municipal authorities raise their loans mainly from the local government loans authority.

In addition to the municipalities, there are a number of county, rural and urban district councils, with considerable powers in their own areas.
