



Eighteenth session

INFORMATION FROM NON-SELF-GOVERNING TERRITORIES

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

Note by the Secretary-General

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 27 February 1963, is herewith submitted to the General Assembly at its eighteenth 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

1. 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	<u>500</u>
Total	300,000

STATUS AND PREVIOUS HISTORY

2. 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

3. 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 (1 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 paragraphs 7 and 8), 3 official members and up to 5 appointed members, under the presidency of a Speaker appointed from outside the Legislature. In March and April 1962, a conference was held in London, to which the Government and opposition parties were invited to discuss the possibility of future constitutional change. A large measure of agreement was reached on a number of matters, but there was a divergence of opinion between the parties on the programme to take Zanzibar into internal self-government and independence. In the circumstances it has not proved possible to pursue the matter until the parties were able to resolve their differences. Subsequent discussions in Zanzibar have, however, failed to produce agreement on the possible formation of a coalition government. Nor has it proved possible to reconcile the divergent views of the government party, which seeks internal self-government without the holding of elections, and the opposition party, which require elections to be held as the first step to further advance. Agreement was, however, reached at the conference to the extension of the franchise and to the appointment of an independent Delimitation Commission to recommend the appropriate number of elected members to sit in the Legislative Council. In pursuance of the recommendations of the Delimitation Commissioner appointed after the conference, legislation has now been passed to provide for an increase to 31 in the number of elected members.

Executive Council

4. 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 Shamte	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. J.S. Rumbold	Attorney-General
Mr. G.C. Lawrence	Financial Secretary

All except the last three named are inhabitants of Zanzibar.

Legislature

5. The Zanzibar Legislature is unicameral and consists of a Legislative Council presided over by a Speaker (Mr. K.S. Madon). The maximum life of the Legislature is three 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 (2 on the advice of the Chief Minister and 1 on the advice of the Leader of the opposition) are elected. The Legislative Council may deal with all types of legislation, except that on certain subjects (e.g., money bills, public service matters, external affairs) which may only be proceeded with on the recommendation of the British Resident. All the elected members of the Legislature are indigenous.

ELECTORAL SYSTEM

6. Members of the Legislative Council are elected by secret ballot in single-member constituencies. Electors must be Zanzibar subjects of the age of 21 or more, normally resident in the Territory. Literacy and property qualifications were removed by legislation passed at the end of 1962.

7. 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

8. 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:

<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

9. 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 paragraph 4 above).

10. The next elections, which must be held not later than June 1964, will be conducted on the basis of universal adult franchise and will provide for the return of 31 elected members.

JUDICIARY

11. 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 Muslims 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.

12. 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

13. 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

14. 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.

15. 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.
