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KENYA COASTAL STRIP

Agreement between the Government of the United Kingdom, His Highness the Sultan of Zanzibar, the Government of Kenya and the Government of Zanzibar

*Presented to Parliament by the Secretary of State for the Colonies
by Command of Her Majesty
October 1963*

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AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM, THE HIGHNESS THE SULTAN OF ZANZIBAR, THE GOVERNMENT OF KENYA AND THE GOVERNMENT OF ZANZIBAR.

AN AGREEMENT made this 8th day of October 1963 between The Right Honourable Duncan Sandys, M.P., one of Her Majesty's Principal Secretaries of State, on behalf of Her Majesty Queen Elizabeth II, His Highness Seyyid Jamshid bin Abdulla bin Khalifa Sultan of Zanzibar, Jomo Kenyatta Prime Minister of Kenya on behalf of the Government of Kenya and Mohammed Shante Prime Minister of Zanzibar on behalf of the Government of Zanzibar :

Whereas by an Agreement made on behalf of Her Majesty Queen Victoria on 14th June 1890 with His Highness Sultan Seyyid Ali bin Said it was agreed, among other things, that His Highness's dominions should be placed under Her Majesty's protection :

And whereas by an Agreement made on behalf of Her Majesty Queen Victoria on 14th December 1895 with His Highness Sultan Seyyid Hamed bin Thwain it was agreed that His Highness's possessions on the mainland of Africa and the adjacent islands, exclusive of Zanzibar and Pemba, should be administered by officers appointed direct by Her Majesty's Government and those territories are at present being administered accordingly as part of Kenya under the name of the Kenya Protectorate :

And whereas by an Exchange of Letters concluded in London on 5th October 1963 between the Prime Minister of Zanzibar and the Prime Minister of Kenya the Government of Kenya entered into certain undertakings concerning the protection, after Kenya has attained independence, of the interests of His Highness's present subjects in the Kenya Protectorate and their descendants :

NOW THEREFORE it is hereby agreed and declared that on the date when Kenya becomes independent—

- (1) the territories comprised in the Kenya Protectorate shall cease to form part of His Highness's dominions and shall thereupon form part of Kenya ;
- (2) the Agreement of 14th June 1890 in so far as it applies to those territories and the Agreement of 14th December 1895 shall cease to have effect.

Signed

DUNCAN SANDYS.
SEYYID JAMSHID BIN ABDULLA.
JOMO KENYATTA.
M. SHANTE.

Marlborough House,
London.
8th October 1963.

LETTER FROM THE PRIME MINISTER OF KENYA TO THE
PRIME MINISTER OF ZANZIBAR

London,

21st October, 1963

My Dear Prime Minister,

I have the honour to refer to discussions held between our respective Governments on the subject of the future of the Kenya Protectorate (the Coastal Strip) and to place on record the following undertakings by the Government of Kenya in relation thereto:—

- (1) The free exercise of any creed or religion will at all times be safeguarded and, in particular, His Highnesses's present subjects who are of the Muslim faith and their descendants will at all times be ensured of complete freedom of worship and the preservation of their own religious buildings and institutions.
- (2) The jurisdiction of the Chief Kadhi and of all the other Kadhis will at all times be preserved and will extend to the determination of questions of Muslim law relating to personal status (for example, marriage, divorce and inheritance) in proceedings in which all parties profess the Muslim religion.
- (3) Administrative Officers in predominantly Muslim areas should, so far as is reasonably practicable, themselves be Muslims.
- (4) In view of the importance of the teaching of Arabic to the maintenance of the Muslim religion, Muslim children will, so far as is reasonably practicable, be taught Arabic and, for this purpose, the present grant-in-aid to Muslim primary schools now established in the Coast Region will be maintained.
- (5) The freehold titles to land in the Coast Region that are already registered will at all times be recognized, steps will be taken to ensure the continuation of the procedure for the registration of new freehold titles and the rights of freeholders will at all times be preserved save in so far as it may be necessary to acquire freehold land for public purposes, in which event full and prompt compensation will be paid.

I have the honour to propose that this letter and your reply in confirmation thereof shall constitute an agreement between our two Governments.

Yours sincerely,

JOMO KENYATTA.

LETTER FROM THE PRIME MINISTER OF TANZANIA TO THE
PRIME MINISTER OF KENYA

London,

5th October, 1963

My dear Prime Minister,

I have the honour to refer to your letter of today's date on the subject of the future of the Kenya Protectorate (the Coastal Strip) in which you placed on record the following undertakings by the Government of Kenya in relation thereto:—

- (1) The free exercise of any creed or religion will at all times be safeguarded and, in particular, His Highnesses's present subjects who are of the Muslim faith and their descendants will at all times be ensured of complete freedom of worship and the preservation of their own religious buildings and institutions.
- (2) The jurisdiction of the Chief Kadhi and of all the other Kadhis will at all times be preserved and will extend to the determination of questions of Muslim law relating to personal status (for example, marriage, divorce and inheritance) in proceedings in which all parties profess the Muslim religion.
- (3) Administrative Officers in predominantly Muslim areas should, so far as is reasonably practicable, themselves be Muslims.
- (4) In view of the importance of the teaching of Arabic to the maintenance of the Muslim religion, Muslim children will, so far as is reasonably practicable, be taught Arabic and, for this purpose, the present grant-in-aid to Muslim primary schools now established in the Coast Region will be maintained.
- (5) The freehold titles to land in the Coast Region that are already registered will at all times be recognized, steps will be taken to ensure the continuation of the procedure for the registration of new freehold titles and the rights of freeholders will at all times be preserved save in so far as it may be necessary to acquire freehold land for public purposes, in which event full and prompt compensation will be paid.

I have the honour to confirm the contents of your letter and to accept your proposal that your letter and this reply shall constitute an agreement between our two Governments.

Yours sincerely,

M. SHAMTE.

CONTENTS

| | <i>Page</i> |
|----------------------------------------------------------------------------------|-------------|
| Agreement | 3 |
| Letter from the Prime Minister of Kenya to the Prime Minister of Zanzibar | 4 |
| Letter from the Prime Minister of Zanzibar to the Prime Minister of Kenya | 5 |