

**KENYA GOVERNMENT ARCHIVES**  
**PHOTOGRAPHIC SERVICE**

SECTION 7

**CONTINUED FROM**

**REEL No.**

23

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[The Minister for Finance and Development] estimated at £5,500,000. The second figure represents the total estimated payments, less commission, to shipping and airlines, excluding East African Airways Corporation. The figure includes fares paid outside East Africa by the Governments and Administrations, though this latter would be mainly for civil servants travelling to East Africa for the first time or returning from leave. I regret that I have no further information available at this stage.

## REPORT

## THIRD READING

*The Banks Title to Land (Amendment of Laws) Bill*

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, Sir, yesterday the Committee of the whole Council went through this Bill and made an amendment thereto. They reported this to the Council and I accordingly beg to move that the Council doth agree with the Committee in the said Report.

*Question proposed.*

The question was put and carried.

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, I beg to move that the Banks' Title to Land (Amendment of Laws) Bill be now read a Third Time.

THE CHIEF SECRETARY (Mr. Coutts) seconded.

*Question proposed.*

The question was put and carried.

## MOTION

## KENYA DAIRY BOARD OVERDRAFT GUARANTEE

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, I beg to move that this Council notes that the Government proposes, subject to the enactment of the Dairy Industry Bill, to guarantee an overdraft of up to £100,000 to the Kenya Dairy Board.

Mr. Speaker, now that the Board can be appointed under the legislation which was enacted yesterday, it will be necessary for the Board, pending the arrangement of its own finance, by cess or other means on the producers, to have some

temporary accommodation. This can be arranged by the usual form of bank overdraft but will need a Government guarantee. The Government proposes to give a guarantee of up to £100,000 provided that the Board indemnifies the Government by an undertaking to impose a cess on the industry to reduce the guarantee if necessary within a period of two years.

Mr. Speaker, I beg to move.

THE CHIEF SECRETARY (Mr. Coutts) seconded.

*Question proposed.*

Mr. COOKE: Mr. Speaker, will there be any interest paid on this overdraft—on this guarantee?

MR. ODINGA: Mr. Speaker, Sir, in the light of some experiences of difficulties in such guarantee which the Government had given to previous boards, I thought unless we are given proper and definite assurances that the producers will be prepared to sign the debentures guaranteeing this particular overdraft then I am not actually able to support it because I know that the Government would be committed to guarantee such large sums of money, which means that the Government would be financing this Board. Of course, Sir, a section of the public of this country would be benefited from the Board itself because all profits would be distributed to the producers themselves and as such the Government is entitled also to get something for that guarantee. ~~As such, if the~~

guarantee the producer of the Board, it should also pay a certain interest even if it is a small interest to the Government for guaranteeing these things. Therefore, if the Board fails, it would be up to the Government to refund the money. As such, I remember that we have had in the Public Accounts Committee a difficulty where some—I think it was in the Kenya Meat Commission—where the producers themselves were not able to come forward and sign the debentures for the security of that particular overdraft. I think that we should not repeat the same mistake in this particular Board. As such, I am still waiting because I have heard the Minister saying that they would sign a bond of refunding this money after—I think—within two years. But that is not enough, because we must be given a definite

[Mr. Odinga] assurance and the arrangement which will be made, and not actually just what is said verbally here in the Council.

As such, Mr. Speaker, I reserve my support for this Motion before I understand all I get—a definite assurance—from the Government.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, in so far as the financial aspects of this particular Resolution are concerned, the hon. Member for the Coast asked if any interest would be paid—I was not quite certain whether he meant, would an interest be paid by the Dairy Board to the bank, or would an interest be paid to Government. Under this arrangement, of course, no interest would be paid to Government, Sir; the Board will be paying interest direct to the bank at whatever rate they arrange. That brings me, Sir, to what I may say is a somewhat novel suggestion by the hon. Member for Central Nyanza that the Government should start charging a special commitment rate, if I may so call it, of special additional interest rate because this guarantees overdrafts to boards of this kind. Well, Sir, I hope it is not suggested that that should be applied right throughout the whole procedure of guarantees of loans. Surely, Sir, the idea of this is to help this Board to get on its feet and to operate. There will be no actual cost to the Government unless the Board fails to meet its liabilities. I

think I am right in saying, Sir, that at any rate, throughout my experience as Minister for Finance, I have never known a statutory board default on a loan which has been guaranteed by the Government, and I do not believe that this Board is going to be the first to set such an example. I think, therefore, Sir, to say that the Government should charge extra interest because it is operating and helping by guarantee a statutory board, is a principle which certainly, Sir, the Government could not accept. I think, Sir, that covers the point. I feel that my hon. friend must have got a little confused about what has happened in the Public Accounts Committee and in this particular operation which calls for no guarantee operation which calls for no advance of Government funds at all. It merely is a commitment of Government liability, should the Board fail to meet

its due liabilities; and as I say, Sir, the Government does not guarantee a loan of this kind until it is reasonably assured that the Board will be able to operate and repay within the time specified.

Mr. HASSAN: The Minister said, Sir, that this overdraft will be paid back by the bank to the Government by land cess and other means of raising money—

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): On a point, Sir, of explanation, can I just point out to the hon. Member again that the money will not be repaid to the Government; it will be repaid to the bank.

Mr. HASSAN: Exactly. The money will be repaid to the bank by means of cess. May I ask the Minister whether such a procedure is likely to increase the price of products to the consumers?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, I would only like to make three points. The hon. Member for Nyanza Central asked what the Government—I see having delivered his shaft, Sir, he has promptly vanished from the scene! I being so, Mr. Speaker, I do not think I shall take the trouble to answer him.

With reference to the remarks made by the hon. Member for Eastern Area, Mr. Speaker, the cess will be on the producers and it is not likely in my opinion to raise the price to the consumer.

Mr. Speaker, I beg to move.

The question was put and carried.

## MOTION

## GOVERNMENT GUARANTEE TO LANDS LIMITED

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, Sir, I beg to move:—

THAT Council notes that the Government proposes to guarantee the payment of capital, interest and insurance premiums on a sum of up to £500,000 to be borrowed over a period of years from a consortium of insurance companies and/or from other sources approved by Government, by Lands Limited, a company subsidiary to the European Agricultural Settlement Board.

2679 Motion

[The Minister for Agriculture, Animal Husbandry and Water Resources]

Mr. Speaker in his Budget Speech on 7th May the Minister for Finance informed the Council that on his last visit to London, he had been concerned in negotiations which would probably result in the offer of a substantial amount of capital to the European Agricultural Settlement Board for the assisted ownership scheme, and that further capital for their tenant farming scheme might be forthcoming from other sources. He considered at the time that it might be a little while before full details of the Government proposals in this matter could be made available to the Council, but he informed them that the amount of additional capital likely to be forthcoming would probably be about £500,000. And the lenders would require the Government to give a guarantee on the repayment of the principal together with interest.

The negotiations to which reference was made have not reached a stage at which all that holds up their conclusion is the provision of this guarantee by the Government, and the present motion is being put for a definite purpose.

The Government's proposal is that a sum of up to £500,000 should be made available to the European Agricultural Settlement Board by a consortium of insurance companies—to participants in the Board's assisted ownership scheme to enable them to purchase their farms over a period of years. The loans will in each case be secured by endowment life insurance policies to be ceded to Lands Limited, a new company being formed as a subsidiary of the Settlement Board specifically for this purpose. That company will also take first mortgage on the land. The insurance companies concerned are prepared to lend money in this way for the purchase of farms only provided that the Government guarantees the payment to them by Lands Limited of the capital and interest, and also the insurance premia on the endowment policies.

In return for this guarantee, Lands Limited would make over to the Government all their securities by way of mortgages and insurance policies. It is not expected, Mr. Speaker, during the current year that the amount required will

exceed £100,000. The balance may be called on in subsequent years as and when required.

Mr. Speaker, with this explanation, I beg to move.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): Before I put the question, does Mr. Couitts wish to move the Motion under Standing Order 65 regarding limitation of time in regard to this order?

THE CHIEF SECRETARY (Mr. Couitts): No, Sir.

Question proposed.

MR. COOKE: Mr. Speaker, could the Minister give us any details about the settlement schemes in the past? I am not thinking now about the amount of money that Government might lose, but I am thinking about any unfortunate settler who may come into this country full of optimism and confidence, and then find that with falling agricultural prices and so on, he loses most of his money. Can the hon. Minister give us an assurance that, in his opinion, that is not likely to happen?

MR. HASSAN: May I know from the Minister whether this new company, Lands Limited, whether its activities will be confined to the European settlement only? Or will their activities be extended to other settlement boards—which are now in existence, like the African, and probably, we may ask for another one for an Asian and Arab settlement board.

LT.-COL. MCKENZIE: Mr. Speaker, there are three points which I would like to ask the Minister. One is, the length of time the loan will run for; two, the interest that Lands Limited will have to pay; and three, is there any likelihood of any more money being available in the future from the same source if required.

MR. TYSON: Mr. Speaker, Sir, there is only one comment I have to make. I think it is an excellent arrangement that is proposed here, and I would like it if the Minister could give us some information as to how the rate of interest is to be determined.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, Sir, to deal with one or two of the points only which are of direct financial interest as distinct from the general points which will of course be dealt with

2681 Motion

(The Minister for Finance and Development)

by my hon. friend: the rate of interest, Sir, will be fixed, having regard to the financial circumstances at the time that the money is raised.

The hon. Specially Elected Member, Mr. Bruce McKenzie, will, I am sure, have noticed that my hon. friend, the Minister for Agriculture, said in his speech that only about £100,000 would be drawn this year. That £100,000 will presumably face a rate of interest fixed in the light of existing circumstances. The balance of the money, the other £400,000, which will be raised, we hope, as and when it is needed, will again be fixed as to the rate of interest in the light of existing rate circumstances of the day, and I think, Sir, that that covers the point raised by the hon. Nominated Member, Mr. Tyson.

The hon. Member also raised the point of, would more money be available from the same source? Sir, this is the outcome of the negotiations and

there is not a certainty that the amount will be available except over a period of time. It will mean the organization and the use by the consortium of insurance companies of funds which are normally available in East Africa for other investments, so that it will depend both on internal and external circumstances as to the rate at which this money will be available. I certainly could not answer the question as to whether more money will be available in the future. I can only say that with the good will that these people have shown during the present operation, one would hope that they would be able to meet additional requirements if they were called on so do to. In so far as the hon. Member for the East Electoral Area is concerned, Sir, he will have noticed the Resolution refers to the European Agricultural Settlement Board and it deals therefore only with the European Agricultural Settlement Board finance. I am sure, Sir, the hon. Member is aware—having been in this House for some considerable time—that the European Agricultural Settlement Board is not a Government body, a Government corporation, but has considerable assets of its own, which do enable this guarantee to be covered. This does not apply, of course, on the other sides. In

so far as the African side is concerned, I am sure the hon. Member will be well aware too that money has been advanced either by loan to individuals or by grant to the African Land Development Board direct from Government funds or from direct assistance from the United Kingdom Government; they are indeed in many cases, where it has come from the United Kingdom, not called upon to pay any interest at all, whereas these people will have to bear a considerable part of their own interest burden.

He will, therefore, I think, recognize that this is in a different category from the other schemes to which he referred.

Sir, I beg to support.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blandell): Mr. Speaker, I will only refer to the point which was raised with me by the hon. Member for the Coast. Before persons who may wish to invest in land come to this country, they seek advice in

London, where they are informed of the general trend of the economic movement of the industry. When they come out to this country, an opportunity is given to them, if they wish, to take a course at Egerton College, which fits them for the peculiar local needs of the agricultural industry. In addition to that, we have got operating—or the Board has got operating—a hospitality scheme, which enables them to move round the country from farm to farm, assessing the prospects for themselves. Lastly, Sir, in fairness to them, the Board naturally puts the whole position before them.

They are also able to seek advice from experienced farmers. There is thus, I think, no reasonable chance of persons investing their money in this country without a proper appreciation of the economic position of the agricultural industry today.

That that is so, Sir, is proved by the fact that there is a lessening in the investment in the agricultural industry, as intending investors feel at the moment that the prospects of the industry are not as good as they were some years ago. It is my opinion that that will right itself in due course, as the costs of production within the agricultural industry fall from what we must anticipate—a reduction in

[The Minister for Finance and Development] estimated at £5,500,000. The second figure represents the total estimated payments, less commission, to shipping and airlines, excluding East African Airways Corporation. The figure includes fares paid outside East Africa by the Governments and Administrations, though this latter would be mainly for civil servants travelling to East Africa for the first time or returning from leave. I regret that I have no further information available at this stage.

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its due liabilities; and as I say, Sir, the Government does not guarantee a loan of this kind until it is reasonably assured that the Board will be able to operate and repay within the time specified.

MR. HASSAN: The Minister said, Sir, that this overdraft will be paid back by the bank to the Government by land cess and other means of raising money—

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MR. HASSAN: Exactly. The money will be repaid to the bank by means of cess. May I ask the Minister whether such a procedure is likely to increase the price of products to the consumers?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, I would only like to make three points. The hon. Member for Nyanza Central asked what the Government—I see having delivered his shaft, Sir, he has promptly vanished from the scene! This being so, Mr. Speaker, I do not think I shall take the trouble to answer him.

With reference to the remarks made by the hon. Member for Eastern Area, Mr. Speaker, the cess will be on the producers and it is not likely in my opinion to raise the price to the consumer.

Mr. Speaker, I beg to move.

The question was put and carried.

## MOTION

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THAT Council notes that the Government proposes to guarantee the payment of capital, interest and insurance premiums on a sum of up to £500,000 to be borrowed over a period of years from a consortium of insurance companies and/or from other sources approved by Government; by Lands Limited, a company subsidiary to the European Agricultural Settlement Board.

[Major Roberts] Members on this side of the House. It appears to me that it must reflect in some way on the Department of Information, and I do hope that Government will look into that matter and, if I may borrow a parance from the service of the hon. and gallant Mover, ask the Department of Information to "dedigitate" themselves. But I am very pleased, Sir, to see how very quickly some hon. Members, after such a short dissertation by the hon. Mover and the hon. Secretary and the hon. Minister for Defence, have realized the wickedness and evil in communism, and that they are now so completely anti-Communist.

I was a little puzzled, however, Sir, to hear that—I am not quite sure whether it was that the children had been sent to a Communist country to school and had returned indoctrinated with communism, or whether it was that there was a proposal that some might go. If it was the former, Sir, then I am still more puzzled as to why more about communism is not known, and if it was the latter, Sir, and it has now been decided that at all costs children must not go to those countries, well I feel that this debate has been a very successful one, and it must be appreciated that it was necessary.

Now, Sir, I would just like once again to reiterate that I would like this assurance on the difference between the amended Motion, which is the long-term policy, and the original Motion, which is the short-term policy. If I get that assurance, Sir, I can support the amendment; otherwise I would only be able to support the original Motion.

I beg to support.

DR. KIANO: Mr. Speaker, Sir, to start with I would like to pay tribute to the Minister for Defence for the very able way in which he told the House the nature of communism, and the implications of that to our country. As a former lecturer on political matters, I think I would have given the Minister a distinction.

One aspect, Sir, that I thought he neglected was the latter stage of communism, that is, Stalinism. He described merely the Marxist-Leninist approach. Yet it was because of Stalin that the Communist empire—and I call it an

empire—was developed very largely. I am bringing this in here because I want to let the House know, and my colleagues, that communism is the worst type of imperialism. Now we, the African Nationalists—we do not mind saying that, we are Nationalists—are devoted to fighting against imperialism, and I would like just to make it known and put it on record that it is my belief, based on knowledge and study, that communism is the worst type of imperialism, and this fact should not be mistaken by anyone.

Unlike some of my colleagues, I will not plead ignorance. I will not say I do not know anything about it. I do know something about it; I have read extensively Communist literature, and it is on the basis of knowledge and careful study that I have come to the conclusion that the doctrine, as well as the practices, of communism are not correct. Not only that, they are also evil.

An important reason for this is that in addition to being the worst type of imperialism, it is filled with the doctrine of violent revolution, and, as a non-violent nationalist, I cannot have anything to do with a doctrine that believes in violent revolution. Going further than that, I do not think there is conflict at all between the amendment and the original Motion as implied by the speaker who has just sat down. What the amendment is asking is that in addition to considering measures to protect the country from external threats, we must also be careful that internally we do not create situations which will jeopardize our country's development towards true democracy.

One has only to recall such situations as China or such situations as obtain today in the Middle East. We know that in the case of China it was due to the failure of the internal Government of China and the non-democratic way it was doing things and the allowing of frustrations to spread in this country for many years that the Communists found it so very easy to win that country to the Communist cause.

Therefore, Sir, when my hon. friend, the Member for Nyanza North, moved the amendment, what he was saying was that, in addition to protecting this country from possible threats from outside, we must not create a situation

[Dr. Kiano] which is so anti-democratic and so frustrating as to make this country perhaps turn Communist by default of this Government's and our own lack of faith in democracy.

GROUP CAPTAIN BRIGGS: I wonder, Mr. Speaker, Sir, whether the hon. Member would address you? I cannot hear what he is saying; he is speaking to the Government Benches. I am so sorry.

DR. KIANO: One of my difficulties, Sir, is that I speak very fast, and I know even the typists have difficulty in keeping up with me.

GROUP CAPTAIN BRIGGS: I can keep up with the hon. Member, but I cannot hear him!

DR. KIANO: I think I will change my position.

Now, Sir, I was saying that there is no fundamental difference between the amendment moved by my hon. friend, the Member for North Nyanza, and the original Motion. The original Motion is concerned quite clearly, as the hon. Member who has just sat down said, with the short-term question of the protection of the country from external threats. The amendment deals with the internal conditions which could make the defence of this country difficult, even if we are efficient in defence from external threats; if the internal situation itself contains breeding grounds for communism, then the defence against external threats is not effective.

It has been ruled by the Speaker that we must not enumerate the nature of our frustrations here, and all I can, therefore, say is that in the first place I would like an assurance from Government to the effect that as one way of avoiding the development of these frustrations our Government has faith in the Western type of parliamentary democracy and that it hopes and wishes that this type of Western democracy will be established in Kenya as soon as possible. This will be one of the ways of avoiding the frustrations implied in the amendment.

The second assurance that I would like to have is an assurance from the hon. Mover himself that he too, in addition to fighting communism, takes a positive approach to the Western type

of democracy which, if securely established in Kenya, will give no chance at all to communism to develop here.

I support the amendment and the Motion.

MR. ALEXANDER: Mr. Speaker, Sir, I am frustrated! I am frustrated and I am going to become a Communist. I am frustrated very largely as a result of the persistent bitter racialism of some of my African colleagues on this side of the House. I think, Sir, that it is unfortunate that this amendment has been introduced because it confuses the whole issue of this Motion. I, for one, am unprepared to support it. We all know that, for example, Hitler was able to produce a totalitarian State very largely with the backing and the influence of very satisfied industrialists. It is quite wrong to suggest that communism necessarily comes from economic, social and political shortcomings. Indeed I think it was the Minister for Defence who very ably described to us how Karl Marx had discovered that breeding grounds for communism were in the minds, sometimes, of the most satisfied.

The whole of this debate has centred around communism in the Soviet pattern, but I wish, Sir, to confine myself to the technique of communism, whether it be Soviet style or any other style. It is a technique, Mr. Speaker, in respect of orderly and established Government, that seeks to destroy, to tear down, to eliminate, to create a vacuum, and once the vacuum is created, to put into it its own godless or evil or sinister doctrine. That technique, Mr. Speaker, is right in our midst here in Kenya today. I ask our Government to think carefully about it and to deal with it.

It is a technique employed by some Europeans in Kenya and, of course, it is difficult to identify them because they are the type of European Jack at every opportunity, to declare the purity of their British blood and to express in vehement terms their loyalty to the Queen. But in technique, Sir, they seek to destroy. Beyond them, there are Asians of that kind, and most distressingly, there are very many Africans of that kind, against whom our Government must be on its guard, guard against the technique of destroying orderly governments and creating a vacuum.

[The Minister for Agriculture, Animal Husbandry and Water Resources]

Mr. Speaker, in his Budget Speech on 7th May the Minister for Finance informed the Council that on his last visit to London, he had been concerned in negotiations which would probably result in the offer of a substantial amount of capital to the European Agricultural Settlement Board for the assisted ownership scheme, and that further capital for their tenant farming scheme might be forthcoming from other sources. He considered as the time that it might be a little while before full details of the Government proposals in this matter could be made available to the Council, but he informed them that the amount of additional capital likely to be forthcoming would probably be about £500,000. And the lenders would require the Government to give a guarantee on the repayment of the principal together with interest.

The negotiations to which reference was made have not reached a stage at which all that holds up their conclusion is the provision of this guarantee by the Government, and the present Motion is being made for the purpose.

The Government's proposal is that a sum of up to £500,000 should be made available to the European Agricultural Settlement Board by a consortium of insurance companies—participants in the Board's assisted ownership scheme to enable them to purchase their farms over a period of years. The loans will in each case be secured by endowment life insurance policies to be ceded to Lands Limited, a new company being formed as a subsidiary of the Settlement Board specifically for this purpose. That company will also take first mortgage on the land. The insurance companies concerned are prepared to lend money in this way for the purchase of farms only provided that the Government guarantees the payment to them by Lands Limited of the capital and interest, and also the insurance premia on the endowment policies.

In return for this guarantee, Lands Limited would make over to the Government all their securities by way of mortgages and insurance policies. It is not expected, Mr. Speaker, during the current year that the amount required will

exceed £100,000. The balance may be called on in subsequent years as and when required.

Mr. Speaker, with this explanation, I beg to move.

THE SPEAKER (Sir Ferdinand Cavenish-Bentinck): Before I put the question, does Mr. Couits wish to move the Motion under Standing Order 65 regarding limitation of time in regard to this order?

THE CHIEF SECRETARY (Mr. Couits): No, Sir.

Question proposed.

MR. COOKE: Mr. Speaker, could the Minister give us any details about the settlement schemes in the past? I am not thinking now about the amount of money that Government might lose, but I am thinking about any unfortunate settler who may come into this country full of optimism and confidence, and then find that with falling agricultural prices and so on, he loses most of his money. Can the hon. Minister give us an assurance that, in his opinion, that is not likely to happen?

MR. HASSAN: May I know from the Minister whether this new company, Lands Limited, whether its activities will be confined to the European settlement only? Or will their activities be extended to other settlement boards which are now in existence, like the African, and probably we may ask for another one for an Asian and Arab settlement board.

LT.-COL. MCKENZIE: Mr. Speaker, there are three points which I would like to ask the Minister. One is the length of time the loan will run for; two, the interest that Lands Limited will have to pay; and three, is there any likelihood of any more money being available in the future from the same source if required.

MR. TYSON: Mr. Speaker, Sir, there is only one comment I have to make. I think it is an excellent arrangement that is proposed here, and I would like it if the Minister could give us some information as to how the rate of interest is to be determined.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, Sir, to deal with one or two of the points only which are of direct financial interest as distinct from the general points which will of course be dealt with

[The Minister for Finance and Development]

by my hon. friend: the rate of interest, Sir, will be fixed; having regard to the financial circumstances at the time that the money is raised.

The hon. Specially Elected Member, Mr. Bruce McKenzie, will, I am sure, have noticed that my hon. friend, the Minister for Agriculture, said in his speech that only about £100,000 will be drawn this year. That £100,000 will presumably face a rate of interest fixed in the light of existing circumstances.

The balance of the money, the other £400,000, which will be raised, we hope, as and when it is needed, will again be fixed as to the rate of interest in the light of existing rate circumstances of the day, and I think, Sir, that that covers the point raised by the hon. Nominated Member, Mr. Tyson.

The hon. Member also raised the point of, would more money be available from the same source? Sir, this is the outcome of long negotiations and

there is not a certainty that the £500,000 will be available except over a period of time. It will mean the organization and the use by the consortium of insurance companies of funds which are normally available in East Africa for other investments, so that it will depend both on internal and external circumstances as to the rate at which this money will be available. I certainly could not answer the question as to whether more money will be available in the future. I can only say that with the good will that these people have shown during the present operation, one would hope that they would be able to meet additional requirements if they were called on so do to. In so far as the hon. Member for the East Electoral Area is concerned, Sir, he will have noticed the Resolution refers to the European Agricultural Settlement Board and it deals therefore only with the European Agricultural Settlement Board finance. I am sure, Sir, the hon. Member is aware—having been in this House for some considerable time—that the European Agricultural Settlement Board is not a Government body, a Government corporation, but has considerable assets of its own, which do enable this guarantee to be covered. This does not apply, of course, on the other sides. In

so far as the African side is concerned, I am sure the hon. Member will be well aware too that money has been advanced either by loan to individuals or by grant to the African Land Development Board direct from Government funds or from direct assistance from the United Kingdom Government; they are indeed in many cases, where it has come from the United Kingdom, not called upon to pay any interest at all, whereas these people will have to bear a considerable part of their own interest burden.

He will, therefore, I think, recognize that this is in a different category from the other schemes to which he referred.

Sir, I beg to support.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, I will only refer to the point which was raised with me by the hon. Member for the Coast. Before persons who may wish to invest in land come to this country, they should be given the opportunity to seek advice in London, where they are informed of the general trend of the economic movement of this country, an opportunity is given to them, if they wish, to take a course at Egerton College, which fits them for the peculiar local needs of the agricultural industry. In addition to that, we have got operating—a hospitality scheme, which enables them to move round the country from farm to farm, assessing the prospects for themselves. Lastly, Sir, in fairness to them, the Board naturally puts the whole position before them.

They are also able to seek advice from experienced farmers. There is thus, I think, no reasonable chance of persons investing their money in this country without a proper appreciation of the economic position of the agricultural industry today.

That that is so, Sir, is proved by the fact that there is a lessening in the investment in the agricultural industry, as intending investors feel at the moment that the prospects of the industry are not as good as they were some years ago. It is my opinion that that will right itself in due course, as the costs of production within the agricultural industry fall from what we must anticipate—a reduction in

(The Minister for Agriculture, Animal Husbandry and Water Resources) the cost of imported articles as a result of the policy of Her Majesty's Government—and secondly as land values in themselves fall from the rather high levels that obtained for the first ten years after the war.

Therefore, Mr. Speaker, I think that the feeling of the hon. Member is met by what the Board is doing in that matter.

I beg to move.

The question was put and carried.

#### MOTION

PRECAUTIONS AGAINST COMMUNISM  
Continuation of debate adjourned on  
24th July, 1958.

MR. ODINGA: Mr. Speaker, Sir, when the Council adjourned last night, I was just about to enumerate some of the ideas or the tactics used by the Communist world which I thought had been borrowed by the Government, or as I understand, from the Government's portfolio, and being borrowed from the Communist world.

To start with, I will say that the idea of State control of commodities was first introduced by the Communists. They introduced it for the equal distribution of wealth among the citizens. But here in Kenya, I understand here that yesterday we passed one of the statutory boards with the idea of semi-State control of the dairy industry. The idea behind that board is not actually to control the distribution of the profits to the citizens; it is with the idea of equal distribution of losses which is the direct opposite of the Communists are doing. In that respect, it would mean that the idea behind that is to retain the wealth of the rich, so that they may be rich permanently, and that the poor may be poor permanently, which I think is even worse than the Communist idea.

Now, Sir, I understand that in the Communist world they have got what are called "internal passports" for movement from one place to another, but in Kenya that idea was introduced to the citizens of the Central Province; there is a certain kind of passbook which they use for movement from one place to another. I think that is an idea which was

borrowed from Communist tactics, when they are dealing with their citizens.

Now Mr. Speaker, there is a third point, that is, the searches of houses at night, African houses. I live in one of the African locations in Mairobi here, and it is very often that I have been disturbed in the middle of the night by the police coming in to search my house. I have been woken up and told to open the door. Later on, when they come in they look around and then tell me, "Right, shut the door". All these ideas, these searches, are not ideas which should be in a democratic country.

Now another point is this idea of restrictions in meetings. Now the Africans—

THE SPEAKER (Sir Ferdinand Caven-dish-Bentick): Order, order, Mr. Odinga, I think I made it perfectly clear yesterday that we are dealing with what is mostly represented as a threat coming from without in this particular Motion, and it was ruled that you were not to use this particular Motion to go back to debating the subject matter of previous Motions which have been determined in this House. Will you please confine yourself to this Motion and not, rather ingenuously, read all your alleged grievances into a Motion which does not deal with them.

MR. ODINGA: Mr. Speaker, I will accept your ruling, and I will only enumerate—I do not know whether I would be wrong to enumerate, because I was just enumerating some of the tactics of the Government which are reminiscent of the dealings which I consider to be Communistic, and if they find that they are not Communistic I will not comment so much on it. I will just mention them and then leave them alone like that. For example, the fifth point is that of tape-recordings in our meetings.

THE SPEAKER (Sir Ferdinand Caven-dish-Bentick): Mr. Odinga, I have ruled you out of order. If you persist in going on, I shall have to ask you to sit down.

MR. ODINGA: Then in that regard, Mr. Speaker, should I mention these other things, because they are things I put down to mention?

THE SPEAKER (Sir Ferdinand Caven-dish-Bentick): They do not come within the purview of this Motion.

MR. COOKE: Mr. Speaker, on a point of order, I am in a little difficulty myself, because I was going to mention one or two frustrations from which people suffer in this country to back up the amendment. But you have ruled that it is not permitted to mention these specific frustrations.

THE SPEAKER (Sir Ferdinand Caven-dish-Bentick): I made a particular point yesterday of the punctuation in the wording of this amendment—had there not been that punctuation and this precise wording, I understand that the Government would not have accepted it—that is not my business—but I would not have done so, for the reasons I gave yesterday. So I would ask hon. Members not to refer to matters that have been referred to again and again in the last few weeks in previous debates, and which have been determined by this House.

MR. ODINGA: Thank you, Mr. Speaker. Then in the end I will only say that, as already mentioned by previous speakers in this House, if the Government is to be allowed to let communism come into Kenya, it would only be fair that the Government should search itself and see that those things which may bring the grievances which may create a very ripe ground for the development of communism are removed. As such, I have the greatest respect for our Chief Secretary at the moment, and I would only say that, as he is only just starting his duties, I hope he will see that many of these things, which we have raised many times in this House—many of these grievances are settled and removed, so that all the citizens of this country move with dignity, and especially so that the people who are Members of this House are also treated equally with the other Members.

Mr. Speaker, I will not actually tire the House. At the same time, I would only remind the Mover of this Motion that he too, for his part, if he worried about communism, should also behave in a way which is not helping to create Communistic ideas. For example, only a few days ago he moved some questions on me, on the statement which I made in this House, and he was perfectly entitled to stand—

THE SPEAKER (Sir Ferdinand Caven-dish-Bentick): Order, order, Mr. Odinga, that does not arise from this Motion. Any Member has a perfect right to raise such matters in this House at the proper time if he wishes to do so, but they must not be referred to now; they do not come within this Motion.

MR. ODINGA: Mr. Speaker, I will accept your ruling reluctantly, and I say that with these few remarks I support the amended Motion.

THE SPEAKER (Sir Ferdinand Caven-dish-Bentick): Before I proceed with the debate, I would repeat what I said yesterday. No Motion may be moved under Standing Order 29 which is the same in substance as any question which has been resolved in the affirmative or the negative during the previous six months.

Dealing with amendments, every amendment shall be relevant to the question which it seeks to amend, and shall not raise any questions which, in the opinion of Mr. Speaker, should be raised by a substantive Motion after notice given. When people raise some such specific alleged grievance in this debate, I consider that that is a matter which should be raised in a substantive Motion, after notice is given.

MAJ. ROBERTS: Mr. Speaker, Sir, I quite realize that Government had little difficulty in accepting this amendment, the wording of which, to my mind, implies a policy which has been Government policy, is Government policy, and is likely to be Government policy. But, Sir, I do feel that in moving the amendment the most significant point of the original Motion has been hidden, which was that Government should take action to deal with the immediate, external threat of communism to this country. I do therefore ask an assurance from Government that they do realize it is a question of the immediate policy and not the long-term policy.

I have no doubt, Sir, that Government are not complacent in this matter, but it would, however, be reassuring if it was emphasized that they realized the urgency of this matter in view of the situation in the Middle East.

Now, Sir, I have been somewhat amazed to hear how little is known about communism by some of the hon.

[Major Roberts] Members on this side of the House. It appears to me that it must reflect in some way on the Department of Information, and I do hope that Government will look into that matter and, if I may borrow a parlance from the service of the hon. and gallant Mover, ask the Department of Information to "dedigitate" themselves. But I am very pleased, Sir, to see how very quickly some hon. Members, after such a short dissertation by the hon. Mover and the hon. Seconder and the hon. Minister for Defence, have realized the wickedness and evil in communism, and that they are now so completely anti-Communist.

I was a little puzzled, however, Sir, to hear that—I am not quite sure whether it was that the children had been sent to a Communist country to school and had returned indoctrinated with communism, or whether it was that there was a proposal that some might go. If it was the former, Sir, then I am still more puzzled as to why more about communism is not known, and if it was the latter, Sir, and it has now been decided that at all costs children must not go to those countries, well I feel that this debate has been a very successful one, and it must be appreciated that it was necessary.

Now, Sir, I would just like once again to reiterate that I would like this assurance on the difference between the amended Motion, which is the long-term policy, and the original Motion, which is the short-term policy. If I get that assurance, Sir, I can support the amendment; otherwise I would only be able to support the original Motion.

I beg to support.

DR. KIANO: Mr. Speaker, Sir, to start with I would like to pay tribute to the Minister for Defence for the very able way in which he told the House the nature of communism, and the implications of that to our country. As a former lecturer on political matters, I think I would have given the Minister a distinction.

One aspect, Sir, that I thought he neglected was the latter stage of communism, that is, Stalinism. He described merely the Marxist-Leninist approach. Yet it was because of Stalin that the Communist empire—and I call it an

empire—was developed very largely. I am bringing this in here because I want to let the House know, and my colleagues, that communism is the worst type of imperialism. Now we, the African Nationalists—we do not mind saying that we are Nationalists—are devoted to fighting against imperialism, and I would like just to make it known and put it on record that it is my belief, based on knowledge and study, that communism is the worst type of imperialism, and this fact should not be mistaken by anyone.

Unlike some of my colleagues, I will not plead ignorance. I will not say I do not know anything about it. I do know something about it; I have read extensively Communist literature, and it is on the basis of knowledge and careful study that I have come to the conclusion that the doctrine, as well as the practices, of communism are not correct. Not only that, they are also evil.

An important reason for this is that in addition to being the worst type of imperialism, it is filled with the doctrine of violent revolution, and, as a non-violent nationalist, I cannot have anything to do with a doctrine that believes in violent revolution. Going further than that, I do not think there is conflict at all between the amendment and the original Motion as implied by the speaker who has just sat down. What the amendment is asking is that in addition to considering measures to protect the country from external threats, we must also be careful that internally we do not create situations which will jeopardize our country's development towards true democracy.

One has only to recall such situations as China or such situations as obtain today in the Middle East. We know that in the case of China it was due to the failure of the internal Government of China and the non-democratic way it was doing things and the allowing of frustrations to spread in this country for many years that the Communists found it so very easy to win that country to the Communist cause.

Therefore, Sir, when my hon. friend, the Member for Nyanza North, moved the amendment, what he was saying was that, in addition to protecting this country from possible threats from outside, we must not create a situation

[Dr. Kiano] which is so anti-democratic and so frustrating as to make this country perhaps turn Communist by default of this Government's and our own lack of faith in democracy.

GROUP CAPTAIN BRIGGS: I wonder, Mr. Speaker, Sir, whether the hon. Member would address you? I cannot hear what he is saying; he is speaking to the Government Benches. I am so sorry.

DR. KIANO: One of my difficulties, Sir, is that I speak very fast, and I know even the typists have difficulty in keeping up with me.

GROUP CAPTAIN BRIGGS: I can keep up with the hon. Member, but I cannot hear him!

DR. KIANO: I think I will change my position.

Now, Sir, I was saying that there is no fundamental difference between the amendment moved by my hon. friend, the Member for North Nyanza, and the original Motion. The original Motion is concerned quite clearly, as the hon. Member who has just sat down said, with the short-term question of the protection of the country from external threats. The amendment deals with the internal conditions which could make the defence of this country difficult, even if we are efficient in defence from external threats; if the internal situation itself contains breeding grounds for communism, then the defence against external threats is not effective.

It has been ruled by the Speaker that we must not enumerate the nature of our frustrations here, and all I can, therefore, say is that in the first place I would like an assurance from Government to the effect that as one way of avoiding the development of these frustrations our Government has faith in the Western type of parliamentary democracy and that it hopes and wishes that this type of Western democracy will be established in Kenya as soon as possible. This will be one of the ways of avoiding the frustrations implied in the amendment.

The second assurance that I would like to have is an assurance from the hon. Mover himself that he too, in addition to fighting communism, takes a positive approach to the Western type

of democracy which, if securely established in Kenya, will give no chance at all to communism to develop here. I support the amendment and the Motion.

MR. ALEXANDER: Mr. Speaker, Sir, I am frustrated! I am frustrated and I am going to become a Communist. I am frustrated very largely as a result of the persistent bitter racialism of some of my African colleagues on this side of the House. I think, Sir, that it is unfortunate that this amendment has been introduced because it confuses the whole issue of this Motion: I, for one, am unprepared to support it. We all know that, for example, Hitler was able to produce a totalitarian State very largely with the backing and the influence of very satisfied industrialists. It is quite wrong to suggest that communism necessarily comes from economic, social and political shortcomings. Indeed I think it was the Minister for Defence who very ably described to us how Karl Marx had discovered that breeding grounds for communism were in the minds, sometimes, of the most satisfied.

The whole of this debate has centred around communism in the Soviet pattern, but I wish, Sir, to confine myself to the technique of communism, whether it be Soviet style or any other style. It is a technique, Mr. Speaker, in respect of orderly and established Government, that seeks to destroy, to tear down, to eliminate, to create a vacuum, and once the vacuum is created, to put into it its own goddess or evil or sinister doctrine. That technique, Mr. Speaker, is right in our midst here in Kenya today. I ask our Government to think carefully about it and to deal with it.

It is a technique employed by some Europeans in Kenya and, of course, it is difficult to identify them because they are the type of Europeans who are the first to wave a Union Jack at every opportunity, to declare the purity of their British blood and to express in vehement terms their loyalty to the Queen. But in technique, Sir, they seek to destroy. Beyond them, there are Asians of that kind, and, most distressingly, there are very many Africans of that kind, against whom our Government must be on its guard, guard against the technique of destroying orderly governments and creating a vacuum.



[Mr. Alexander]

Finally, Sir, I wish to draw the attention of the Government to some people, a people for whom I have very great respect and regard, and amongst whom I have very many friends, and it distresses me to have to say this: in respect of American anti-communism we have an example of this technique. I would ask our Government to be certain that those particular activities are also watched because they are equally dangerous to this country.

Mr. Speaker, I beg to oppose the amendment.

MR. NYAGAH: Mr. Speaker, Sir, I rise to support the amendment. Until yesterday afternoon, after the speech by the Minister for Internal Security, I was not sure what form of communism the Motion implied. There are all sorts and forms of communism. But now I understand that we are talking about the Soviet type of communism.

Mr. Speaker, there have been acts of atrocity committed in Eastern European countries, in Hungary, Poland and, lately, in the Middle East. That is enough evidence to show anybody who pretends or who intends to support communism what one gets out of it. It is also interesting to notice that for the first time since I came into this House a few months ago this side of the House is more or less agreed that communism of the Soviet type should be prevented and stopped from coming to Kenya. I fully agree with the people who support, and the Government, too, has accepted the Motion and the amendment on that understanding.

It was very gratifying to hear the Minister describe in a very comprehensive way what communism is. I know that until yesterday few, very few, people knew what communism was. The Minister told us that the Government maintains a very close watch on the entry into this country of anybody supposed to be a Communist and watches and tries to ban any literature that comes from the Communist world. If that is so then there should be no reason why we should describe some of the people here, particularly Africans, as being Communists because they have no way of reading Communist literature and they have no way of going to those Com-

munist countries. Very few Africans, Mr. Speaker, have had an experience of living in a Communist country. Perhaps the Minister for Internal Security will allow me to say that I have lived in a Communist country for some time. For three weeks, I lived in one of the Communist countries. I was interested to see what was happening there. I did not go to study communism—I went to study some forms of comparative education. I can assure this House, and the people outside, that what I saw could not fool anybody to become a Communist.

During our course of study there in Yugoslavia we went into the country to see "common farms". I would hate to see any kind of farms of that kind established in this country. Out of their 16,000,000 people only three-quarters of a million were Communists and the others were held in subjection.

Mr. Speaker, I would go out to preach to the people that communism, with all its assumed by-its adherents, privileges and benefits is not the right thing for us in Kenya.

Yesterday the hon. Mover of the amendment very clearly indicated in his outline the history of origins of this movement—how it gains ground with the people who are dissatisfied with their conditions of life. This amendment seeks to bring to the notice of the Government that any frustrations such as he described in the amendment which could become the vehicle of bringing into this country the Soviet type of communism should be got rid of.

Mr. Speaker, this godless movement, as it has been described, takes root in the community which is dissatisfied, and if any community in Kenya was to be dissatisfied then you are sure to get a form of communism. It is the duty of the people of this country and the Government to make sure that such dissatisfactions are removed, and the Government in maintaining vigilance should also take strong exception to anybody who tries to preach communism in areas where it is not known or who accuses people of being Communists where there is no communism, because he is only calling the attention of the people to become Communists.

Mr. Speaker, Sir, like my hon. friend the Arab Member for the Coast this

[Mr. Nyagah]

country is shocked with the recent atrocities in the Middle East. If communism brings such things then I would hate to see it come into Kenya.

With these remarks, Sir, I beg to support the amendment.

MAJOR DAY: Mr. Speaker, to my mind, quite clearly, these are two separate issues. I do not wish to waste the time of Council by reiterating a lot of points which have already been made, but I find myself unable to support the amendment.

MR. ALAMOODY: Mr. Speaker, Sir, I have deliberately avoided entering into this debate earlier because I wanted to get an opportunity to hear at least one of the Government Members indicate to the House what attitude the Government was taking to this Motion. After hearing very convincingly the speech made to this House by the Minister for Internal Security and Defence that the Government have all along been conscious of the menace of communism in Kenya and that the Government have always been vigilant in their endeavours to keep this at bay, I was extremely surprised, Sir, to see that the Government have accepted this Motion.

Sir, if I were a Government spokesman, which I must admit, is a very remote possibility, I would have completely rejected the Motion, unless, of course, it was amended so that it could be so explicitly construed as to convey an admission that the House fully appreciated the part the Government has been playing in trying to combat the influence of communism. Nevertheless, because of the malignant nature of the methods employed by the Communists this House would then urge the Government to take even more stringent measures to prevent communism coming into Kenya.

Sir, as it is, the Motion does not convey that impression, and with due respect to all the good intentions of the hon. Mover of this Motion I beg to submit, Sir, that, to me, and, I am sure, to several hon. Members in this House, this Motion is tantamount to censure of the Government and should therefore never have been accepted by the Government in its present form.

Mr. Speaker, Sir, the other reason why I think this Motion is untimely is that until very recently the hon. Mover was a Member of the Council of Ministers and he must therefore have been very privileged to see quite a considerable amount of what was happening in the Government's inner council. For a Motion of this nature to emanate from him, there could be a danger, Sir, that the people would be led to alarming interpretations.

Hon. Members on this side of the House, and the public at large, could very easily, Sir, misconstrue the intentions of the hon. Mover. They could perhaps feel that there must have been something wrong somewhere in the Government machinery in their endeavours to combat this monstrous menace which has prompted the hon. Mover to put this Motion before this House.

Mr. Speaker, Sir, it would be extremely embarrassing to the Government, and certainly very disturbing for the law-abiding citizens of this country who have the tranquil future of this country at heart to have even to think of that possibility. For this reason, Sir, I think that this Motion has been very untimely.

The third reason, Sir, why I think the Motion should not have been accepted by the Government is the concomitant publicity this Motion will have both inside and outside this country. Mr. Speaker, with the exception of the hon. Mover and the Second, and the hon. Minister for Internal Security and Defence, who have of course proved themselves to be well versed in the atrocious activities of Communist ideology, almost all other hon. Members who have spoken to this debate have expressed complete ignorance of the Communistic doctrine and what it entails. Most of them said that they had not heard of communism until yesterday afternoon. I am going to surprise the House, Sir, I am among the exceptions.

Here, Sir, I would beg the indulgence of the House to allow me, only for a moment, to allude to a personal experience. I have the privilege, Sir, during the last war to be entrusted with the work of promulgating to Arabs and Africans of this country what treacherous ideologies—nazism and fascism were

(Mr. Alamoody) when I worked in the Kenya Information Office. Soon after the war I had to propagate persistently against communism.

Of course, Sir, all I knew then was what I was told to say. But human nature being as it is, I became conscious of communism and for curiosity's sake I wanted to know what this communism was. I made certain efforts to try to do that. I wanted to know what was radically wrong about it that made it so repugnant to decent folk. Oddly enough, Sir, and I am not saying this in order that it may reflect on hon. European Members, a European friend of mine obliged me by giving me, as a free gift, two volumes of Karl Marx. Naturally, Sir, I found that the matter on the first page of the first of the two volumes was so repugnant to my own faith and, of course, to all god-fearing people and if it were not for that I would, perhaps, by now, be well versed in Marxism. What I did, however, Sir, was to throw the volumes on the kitchen shelf and after a time they caught the eye of a burglar who came into my kitchen, and that was the last I heard of those two volumes.

That, Sir, is the point I would like to make to this House. Many hon. Members, although highly sophisticated, have claimed that they knew nothing of communism, so that the ordinary man in the street would certainly know less of it; so it would have been best to let sleeping dogs lie. As it is, Sir, knowing human nature as it is, many of those who knew nothing about communism would probably like to enlighten themselves about this monstrous ideology which is so vehemently opposed by all freedom-loving people. If they did so, Sir, it would only be natural because human nature is so inquisitive.

Mr. Speaker, Sir, this is the third reason why I feel that the Motion could unwittingly give dangerous publicity to the doctrine which we would all like to suppress. As it is, Sir, the Government must have been positively conscious of these dangers which could be attributed to this Motion, and yet they have accepted it. So, Sir, I have no alternative but to join the chorus and support the Motion.

Mr. Speaker, Sir, I beg to support.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I can plead no ignorance of communism for, Sir, I can, on the contrary, hold up a record of almost 30 years of speaking and fighting against it. It was indeed in 1929 when I was a member of a political party in the United Kingdom that I first went on record as speaking against the evils of communism.

Now, Sir, there has been something said about the external threat as well as the internal threat. I, Sir, am one of those people who agree with Field-Marshal Montgomery who stated recently that the threat of communism is passing from the military sphere into the sphere of economic warfare and the warfare of ideas and infiltration; and, Sir, certainly in so far as this part of Africa is concerned it is obvious that it is in the field of economic warfare and the warfare of ideas that the main threat will lie.

What, Sir, are the four main lines on which one should think or deal with this subject? Let us contrast the ideas, the ideals, the methods and the achievements.

Sir, let me deal, first of all, with the achievements. Because of a certain scientific success which the Communist States have produced in recent times there is a tendency among some people to imagine that they are more efficient and that they have achieved more. Sir, it is always possible to achieve success in one particular sphere or channel if you are ruthless enough to suppress all effort except that which is directed towards that particular channel.

Sir, if we have regard to the main achievements and the improvement of the standard of living of the people of democracy over the past quarter of a century, despite the terrific struggle against the contemporary ideas of nazism and fascism, and despite the sacrifices made during that period of violent struggle, there can be no question about the fact that democracy and the democratic methods of the countries of the West have gone much further in achieving those things which are of value to the human being and the individual than any Communist State has been able to do.

[The Minister for Finance and Development]

Let us now turn to the ideals. What is the great difference between our ideals? I have always believed that they could be summed up in two comparative sentences. In Communist thought—and many people fail to realize how near they are to the Communist thought when they preach this type of doctrine—the materialistic side is uppermost and the State is supreme and the individual exists for the glory of that State. In the ideas of those like us who oppose it the State exists only for the benefit of the individual and it is the individual and the human element that must remain supreme. That, Sir, is something which all Governments who try to follow the Western type of evolution have as their basic philosophy, and it certainly is, despite implications to the contrary, by the hon. Member for Central Nyanza, the philosophy of the Government of Kenya.

Now, Sir, because you have a Communist ideal of that kind their ideas grow and are devoted always to the glorification and the unification of all effort for the good of the State. The ideas of those of us who believe that this is a most disastrous kind of thing for the human race to suffer in its development go entirely the other way; and where indeed the channels of the State have to be used as is the case, perhaps, to some extent, with the Dairy Board referred to by my hon. friend, they are used directly with the idea of benefiting the individual and the human qualities and affairs of the individuals.

Let me now turn to the methods. I would say, Sir, that the method of infiltration of communism is not only the physical one. With the development of communications, the development of the press, wireless and broadcasting, it is possible to get ideas into a country without ever physically entering it. It is a vigilance against that which is the duty of every individual in this country and not the duty of the Government alone. For it has been very truly said, and now more than ever, that the price of liberty is eternal vigilance. We should think time and time again over our ideas; over our ideals, and over our achievements to see that they are not directed along any path which by one name or another

could bring a development of communist thought or ideas.

Now, Sir, we turn to the question of methods. Methods which are used by people like ourselves are the methods of the United Kingdom evolved over many years—methods of patient evolution. I would, in a humorous vein say to my hon. friend the Member for Central Nyanza that under the system which he is at present living politicians tend to disappear only through the disapproval of their electorates via the ballot box. In countries of the other kind they tend to disappear through the execution block. Sir, whatever defects he may find in detail, there is no doubt about it that he cannot find a defect in the overall attitude of the Government of Kenya and the great majority of the people of Kenya in this respect—that their ideals and their ideas are directed towards the benefit and the development of the individual, because they regard the individual as the important factor in human development and not the glorification of a corporate body, whether it be called a Communist State or any other kind of State.

I would like to deal with just one more point before I sit down. Field-Marshal Montgomery implied in his speech that countries, like ourselves, acting as we are to develop all those things which are for the good of our people, find that they are limited by, to some extent, an archaic system of finance and currency in the world sense. We know, Sir, that all these things that we want to do, just as much as anybody else, cannot be done within the limits of our own resources without bringing disaster to the very people, the very human people, whom we are trying to benefit. As I say, Sir, it is important that the great countries of the Western world should realize that if they really wish to meet the threat of communism in Africa it is now, to-day, that the financial assistance to help us to go forward should be given freely and without question.

MR. JAMIDAR: Mr. Speaker, Sir, I was waiting for an opportunity to find a non-controversial subject about which I could make my maiden speech and this, so far, appears to be the least controversial subject and therefore I would crave indulgence of the House to say my first few words.

[Mr. Jamadar]

I personally feel extremely offended at the division of Communists and non-Communists by way of labelling these two blocks of East and West. I come from the East and I have behind me the whole racial and biological history of the East which I consider to be a complete anti-thesis and a complete answer to all that communism stands for. If corroboration were needed and if authority were needed to prove this proposition I would, Mr. Speaker, refer to Arthur Koestler's book entitled *The Yogi and the Commissar* in which the philosophy of India's history and the philosophy of the commissar is compared and where the defects of the philosophy of communism have been fully demonstrated.

Mr. Speaker, the philosophy of India stands for promoting good. The philosophy of communism concentrates merely on the ends and they say that if the ends are good, then any means to achieve such ends are also justifiable, with the result that the forces of evil are invoked for the purpose if the end itself appears to be good to a few people at the top.

Now, Sir, we have behind us this heritage which emphasizes that unless the means are themselves good no end can remain good for any length of time or to any appreciable extent. Therefore, Sir, I would request this House that in future, particularly in a multiracial country like ours, whenever references are made to Communistic countries the words "the East" should not be included.

Sir, another point I want to make is that in fighting communism let us not in this country, ourselves, breed those very same things which we stand to fight against. We fight communism because communism represents an invasion of the human mind. It restricts freedom; it restricts freedom of thought, expression, speech and action; and if we in trying to fight communism are going to introduce restrictions on the freedom of the human mind and freedom of expression and speech and so on then we are ourselves introducing those very same things unconsciously and by implication which we are trying to fight.

Mr. Speaker, it has already been stated that in fact a Communist party in this country is not existent. In fact communism in this country is not existent.

If we all devote ourselves to finding out communism and punishing it then we would unfortunately be lending ourselves to a situation where we will create communists just for the sadistic pleasure of punishing the few. Let us not emulate some of the other countries in the Commonwealth where talk of human rights and freedoms has been branded as Communist activity. This is a very great danger to this country and I would request the Government to keep that in mind and to be fully aware of that, and to guard against it with the greatest possible vigilance.

Another small point is that I am supporting not only the Motion but also the amendment—perhaps more so the amendment, because, as has already been stated earlier, and I do not want to repeat myself over and over again, disease, poverty and starvation are the breeding grounds of communism. If we want to fight communism effectively then these are the things we have to fight. It is much more important to fight disease, poverty and starvation rather than trying to seek out communists amongst ourselves, Sir, and make examples of them.

LT.-COL. MCKENZIE: Mr. Speaker, I would like to congratulate the last speaker on his maiden speech, and thank him for bringing to our notice the fact that we should not tie all the East up with communism.

The hon. Minister for Finance who is out of the House at the moment quoted Field-Marshal Montgomery. I sincerely hope that Field-Marshal Montgomery on this occasion are right. Sir, many of us who were in the war know that Field-Marshal Montgomery was wrong on occasions and we also know that our Minister for Finance can be wrong on occasion. Perhaps I am more fortunate than many in this House in that I have had direct contact with communism and with Communists during the war. It was my unfortunate privilege on a night in 1944 to see Warsaw burning from one end to the other, having been set on fire by the Communists. Sir, it was also my unfortunate privilege to see the mass of humanity as it came out of Russia—the mass of Poles—at the end of 1941 and in 1942.

[Lt.-Col. McKenzie]

Now, Sir, modern communism is completely different to what I have heard mentioned by many Members in this House. Modern communism is completely different to the communism of Plato, Marx, Lenin and even of Stalin. Modern communism in fact does not lay down its own policy. Depending on the country it goes into and the conditions it finds, so depends the course it takes. It can create grievances in its modern form, imaginary in some cases, and it can cause vindictiveness and can push out poisonous propaganda. It can burrow its way into organizations already existing. It can obtain control from within right at the top. But, Sir, it is no good us deceiving ourselves that you need a seedbed for communism. Communism is like cactus. It will grow on rocks. All we have to do is to look where communism is spreading fast and causing destruction in the Middle East countries. Some of those countries, approximately ten years ago, had budgets of approximately £10,000,000. Today those countries have got budgets of £200,000,000, and most of that £200,000,000 is being spent on social security and the needs of the poor. Yet communism is still coming in, and coming in at the top level.

Now, Sir, it is for this reason that I feel that it was unfortunate that the amendment to the original Motion came forward. I think it is obscuring the main intention of the Motion.

One of the points mentioned by the hon. Mover of the Motion was that of the conference. I do not think it has been dealt with by many other Members. I think it is imperative that some type of conference should be brought into being in this part of the central belt of Africa.

With your permission I would like to quote from Max Yergen, who is considered by the Americans to be a specialist on African affairs. He is extremely well travelled in Africa and is also an American negro. He states as follows: "The Communistic threat in Africa is not just a possibility—it is an actuality. Communistic intrigue in that continent is already a force to be reckoned with. Communism in that continent tends to give the impression that it is concerned about conditions of labour, living standards of colonial

peoples, minorities and natural aspirations. This is often pure deception. Propaganda of this type is purely a means towards achieving the political and military objectives of the centre of the dynamics of the Communist movement—namely, Soviet Russia". Now, Sir, I would like to quote something said by one of the Prime Ministers of the great Dominions, who I believe, Sir, has friends in this House—that is Dr. Nkrumah. He said, "Experience in this country and elsewhere has shown that membership and forms of continual association with communism may involve acceptance by individuals of the loyalty which in certain circumstances can be against the State". Then, Sir, he spoke very strongly against communism and went on to say: "I would also like to add that in recent months foreign organizations have been taking an increasing interest in our affairs. Large quantities of pamphlets are being sent into this country from abroad. Some of these are designed to stir up trouble which may obstruct or even destroy our movement in this country". He then went on to talk about what other Members have talked about, that is, students attending conferences and going for further academic education in Communist countries.

Sir, I very much doubt whether there is a single country in the West which has not got its Communistic cell in that country, either known to the Government or, more likely, unknown to the Government. It is no good us deceiving ourselves that we have not got communism in these parts of Africa. We have got it, Sir. There is sure to be a small cell as has been found when one has delved deep enough into it and as the Americans found when they set up their various committees on communism. There is always a hard-core manned by very efficient people, of unscrupulous men and women, and they take very great care to surround themselves with followers who are completely unaware of their true nature and their true commitment. I would beg of the Minister concerned to give serious thought to this idea of a conference. That, the military aspect, Sir, is where I disagreed with the Minister for Finance and with, if he does not mind, Field-Marshal Montgomery.

[Lt.-Col. McKenzie]

Sir, the trouble in Africa is practically on our northern boundary. It is no good us waiting until there are disturbances and upsets in the countries just north of us before we think of calling a conference from people south of the Sahara. In that conference, Sir, I would include people right the way across from Ghana and right the way through to us.

As has been emphasized when I read the extract of Dr. Nkrumah's speech, the people of Ghana are terribly concerned about communism. Sir, before it is too late I do beg of the Minister, whoever the Minister concerned is, to give great thought to a conference as suggested by the Mover.

I beg to support the original Motion.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, I wanted to intervene in this debate to make four main points to the Council.

First, the Government would entirely agree that, apart from military measures that can be taken against communism, in a war against ideas military measures are not sufficient. It is for that reason indeed that the Government has applied itself with the greatest vigour to the accelerated development of our agricultural potential. The more that we can raise the standard of living of the land right through the country the more we can create the sort of life which will enable people to withstand the menace of communism with contentment. In that, Sir, I would reinforce the plea which the Minister for Finance made to the Western countries, on the opposite road to the one that he presented, which was the necessity for the addition of capital to these countries for their development.

Now, Sir, arising out of that there is an equal necessity. It is that the Western countries should understand that the wealth of these countries and their capacity to resist communism must depend on their abilities to dispose of the produce and raw materials which they are producing. Unless the West, or the Western countries in the alliances in the West, can solve that problem then there is no hope for the countries of Africa which are now developing in their raising of the standards of living of the

people which will help us all to combat this menace.

In that regard, Sir, I would like, again, to reinforce the plea which I made the other day to industry in this country to turn its attention as dynamically as it can to provision of the maximum training for the people of this country, mainly Africans, to advance higher and higher at every level. We will not deal with the threat of communism which will become an increasing one unless the great majority of the people of this country can feel that they are playing a fuller and fuller part in the whole of the executive side of this country and are not merely retained at levels mainly associated with that of the labourer. Now, Sir, the Government is doing something in that regard through its training schemes in things such as the East African Railways and Harbours. But there is an immense field for industry itself to apply itself to that problem.

The third point I wish to make is this. It was inherent in the Marxist philosophy that communism would find its greatest seedbed in the highly industrialized capitalist societies. But that has proved to be false. Communism has been least successful in the most highly industrialized countries—the United States of America, the United Kingdom and Western Germany. That is because industrial potential under the capitalist system can provide a standard of living that acts as an insulation against the Communist disease. As we move to the less highly industrialized countries, such as Italy and France, we have an increasing Communist movement, rejected in Spain only by the elimination of democracy. Finally, when we come to the peasant countries—Soviet Russia and China—we see that the real menace of communism is apt to fall in those countries which are not industrialized, and where the bulk of their population at the time of the Communist entry were engaged in agriculture.

Now, Sir, I think there is a lesson in that for this country and I would particularly draw the attention of the House to the problems which will come before us in the years ahead over such matters as land fragmentation and population pressures. Because history records that it is those countries which have those

[The Minister for Agriculture, Animal Husbandry and Water Resources] presents which are most susceptible to the menace of the Communist movement.

Lastly, Sir, I would like to record this. Many comments are made on democracy. I myself firmly believe in the evolution of this country on democratic lines. I would like to make certain observations, however, about that.

The first is that democracy is not an end in itself. It is merely a means to a form of government. It has the great advantage that we can change government without revolution when it has reached its full maturity.

Secondly, Sir, there is a real danger in the distortion of democracy in that evilly used it is also a means to dictatorship.

Finally, Sir, in all democratic systems—and I would like to emphasize this very much to the House—there must be the possibility of free discussion. But there must also be an absolute determination to have no intimidation because you cannot have free discussion with intimidation.

It is inherent in a democratic system that every member of it should carry the highest degree of self-discipline, because democracy will not work unless its leaders have the self-discipline sometimes to put to their people what is right even though it is unpleasant. But, Sir, despite the difficulties of democracy, the difficulty of implanting it in countries to which it is new, I am a firm believer in it as there is no practical alternative for free men.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentley) left the Chair]

[Mr. Deputy Speaker (Mr. Contoy) took the Chair]

Lastly, Sir, may I say this: we have heard a great deal about equality of opportunity. We can give equality of opportunity in an evolving democratic structure. What we cannot give people is equality of achievement. As long as people will remember that, much of the bitterness and frustrations of the less successful can be met.

Mr. Speaker, I beg to support the amendment.

MRS. RAWSON STAW: Mr. Deputy Speaker, Sir, I rise to support the Motion, and I would like to give qualified support to the amendment.

When I say qualified support, what I have in mind is this: that the hon. Mover of the amendment seemed to me to be taking a rather negative attitude towards it. They seemed to be implying that it should be the job of the Government to do everything, and that they themselves have no positive job to do in combating this menace of communism. It is not historically true, Sir, to say that communism always flourishes on grievances. As the hon. Specially Elected Member pointed out, it can flourish on metaphorical rocks where no grievances exist. What it does do is invent and foment grievances where they do not exist, in order to create discontent.

What I would like to suggest to the hon. Mover of the amendment is this: that it is up to them to work constantly and dynamically with the Government to see that these grievances, real or fancied, do not in fact form the seal of communism. And in that respect, I would like to say that I think it is desperately important that they should not just come to this House and say they do not know anything about communism; they should study it, they should find out what it means to be living in a Communist-governed country. It means slavery, slavery of mind and body. It is not a question of religion; there is no religion at all. This is a thing that is evil to the core, and I do implore Members of this House who say they do not know anything about it to learn about it, and to take that knowledge to their people and when they know what it means to live under a Communist State, surely, Sir, half the danger of communism growing and existing in this country internally will be removed.

THE CHIEF SECRETARY (Mr. Coult): Mr. Deputy Speaker, Sir, I feel that the House really has had a fair crack at this Motion and that there is another one still on the Order Paper—and although it looks rather as though I am trying to take what is left of the time for this Motion, I do want to say one or two things in answer to what has been said from the other side. But I do hope that Members will agree that in the next

[The Chief Secretary] ten minutes or so, this particular Motion should be brought to an end.

The hon. Specially Elected Member, Mr. Mangat, I think said that the Government, when the amendment to the Motion was moved, was either asleep or they were so tired that they did not know what they were doing. The hon. Acting Arab Elected Member, Mr. Alamoody, said that the Government should have rejected this Motion because it was a matter of censure upon the Government. Also, he said that one of his reasons for suggesting that Government should reject it was because of the publicity which it may have caused. I would like to ask the hon. Member what sort of publicity we would have caused if in fact we had rejected the Motion.

[Mr. Deputy Speaker (Mr. Conroy) left the Chair]

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) took the Chair]

Sir, we were not asleep, at least, I feel we were not asleep, although the effect of this session has been more than soporific, I think, on many of us. But I would like to refer to the words of the Motion itself, where it asks that this Government should maintain the utmost vigilance and all possible precautions against any development of communism in Kenya. Sir, I feel that is a matter which this Government must accept without any qualification whatsoever, and as far as the amendment is concerned, bearing in mind any political, economic and social frustrations which might provide a breeding ground for Communist propaganda and activity, again I say, Sir, that I do not think this is an amendment which Government could reject, because I feel, Sir, that there are two main points. There is the immediate outside external threat which we have seen in the Middle East during the last two or three weeks; there is also the internal threat which has been very well described by my hon. colleague, the Minister for Finance, when he talked about the ideals and the ideas of people and the things upon which communism feeds. Therefore, Sir, it seems to me that there is both the short-term and the long-term view in so far as this matter is concerned. We have in the short-term the immediate possibility of

having to use guns; in the long-term, we must also remember that we must have butter. If we are going to make progress in this Colony, then we must be eternally vigilant; as the words of the Motion state—and I would like to give a complete assurance to this House that we are always vigilant; we are now vigilant, and will be vigilant in the future.

There is one further point I just want to comment on which was raised by my hon. friend, the Member for Central Province South, which my hon. colleague, the Minister for Agriculture, also touched on, and that was the question of the future of democracy. Surely, Sir, this very House is an example of what has been done now, and will be done in the future to follow on the great principles of democracy which we ourselves have enunciated. Also, I would like to stress the word of warning which was put to this House by the Minister for Agriculture, when one remembers that the greatest bulwark of democracy at the present day is the United Kingdom; and also backed by the United States of America. Many other countries which boasted democracy at one time have fallen into the maw of communism, because they have not been vigilant. We will support our ideas of democracy, and Sir, we will be vigilant until the end.

I beg to support.

MR. SLADE: Mr. Speaker, Sir, I beg to move that the Mover be now called upon to reply in that this debate has had a good long run, and there is barely an hour left for yet another matter on the Order Paper. There is a little trouble on a point of order, Sir, as to how this Motion can go through with an amendment still outstanding, but since, Mr. Speaker, you ruled that it is to be treated as one with the Motion itself, perhaps that does not present any difficulty.

MR. COOKE: Mr. Speaker, I would like to oppose that. I have made several efforts this morning to just say about half a dozen words, and I have had no opportunity of doing so. I would crave that I should have two minutes, at any rate, to say whether I agree with the amendment or not.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): It is true that Mr. Cooke has made, to my knowledge,

[The Speaker] several attempts to catch my eye. But I think that subject to permitting Mr. Cooke to speak, it would not be an abuse of the privilege of the House or an infringement on the rights of Members to proceed to the proposed Motion.

I call on Mr. Cooke.

MR. COOKE: Mr. Speaker, I think it was obvious hours ago that 100 per cent of the Members of this House were thoroughly in favour of taking measures against communism, and it seems to me, Sir, that the only issue has been as to whether we are in favour of the Motion or the amending Motion. Now, I intended to vote for the Motion after the very able and, I think, very fair speech of my hon. friend, the Mover. But I think, Sir, that the amending Motion is very necessary because it extends and in my view, strengthens the Motion.

Now, I cannot possibly subscribe to the contention that seemed to be made by one or two speakers, notably my hon. friend, the Member for Rift Valley, and my hon. friend, the Member for Nairobi West, that this matter of frustrations, both political and social, really was more of a long-term problem. I do not believe that at all; I think they are absolutely a short-term problem and that it is necessary that this provision should be embodied in the Motion.

Therefore, Sir, I support the amending Motion.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I have just agreed that under Standing Order 64, it is right and proper at this stage to put the Motion as suggested by Mr. Slade. I will therefore put the question.

The question was put and carried.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): In answer to Mr. Slade, what I propose to do is, after the reply of Group Captain Briggs, I will first of all put the amendment, and then I will put the substantive Motion in the unlikely event of the amendment being lost.

GROUP CAPTAIN BRIGGS: Mr. Speaker, I will try to keep my remarks as brief as I can, because there is another Motion pending, and I think there has been very considerable debate on this matter, and a good many of the points that I might have answered in reply have

already been dealt with by other Members of the House.

I would first of all like to thank Government for accepting the Motion, and I would like to say that it is heartening to find in the face of an outside threat to Kenya that there is so much unanimity of purpose amongst the Members of the House. I would like to congratulate hon. Members, with one or two exceptions, for their contributions. I feel sure that the sympathy of the House will be with the hon. Arab Member who expressed himself so sincerely and with so much indignation concerning certain deplorable events to which I referred when moving the Motion.

Now, I hope that hon. Members will forgive me if I do not deal with all their points, but limitation of time, I am afraid, prevents that. I would, however, like to deal very briefly with the amendment to the Motion. I feel it would have been better had this amendment not been moved. I fear I cannot accept it for the reason that it might be considered to divert attention from the immediate threat to Kenya to what must, I am afraid, be regarded as longer-term matters.

Now, of course, the amendment does not refer to the political and economic frustrations of any one race. It refers quite clearly to those of all races, though I am afraid some African Members speaking to it appeared not to recognize that fact, and, of course, all races do have their particular grievances and frustrations; as the hon. Member for Nairobi West said, we are all frustrated. However, what I do suggest is that for any politician to exaggerate and stimulate grievances, real or imaginary, for political reasons, can only play into the hands of the Communists in the present circumstances. Grievances are not confined to Kenya; they exist as much in European countries as they do here, and I fear that their over-exploitation throughout the world only too often results in undesirable political activities at the expense of Statecraft.

However, in view of the Government statement, distinguishing between the original Motion and the amendment, I do not feel very strongly about it, although I shall nevertheless have to oppose it.

(Group Capt. Briggs)

Now, my hon. friend, the Minister for Defence: I was sorry that although my hon. friend undertook to consider the idea of convening a conference, he rather discounted the value of such a conference as envisaged by me. I would mention that NATO countries very frequently get together in conference to discuss matters of mutual interest: I would also suggest to him that the Council of Ministers is, in constant conference on matters affecting the government of the country; the Emergency committees were born during the Emergency in order to bring various parties together and indeed, I have never heard of any military or political campaign that has been successful unless the various bodies who are interested were brought together for discussion.

I hope therefore that the Government will display more enthusiasm in pursuing this matter than has perhaps been shown in the course of the debate.

Now, before I conclude, there is one particular question which was posed to me by the hon. Member for Central Province South, whom I am glad to see is here. I shall be very pleased to answer it indeed. Although my hon. friend, the Minister for Agriculture, and the Chief Secretary have both dealt with the matter at some length, I would like to tell him what my personal view is. I would put it to him in this way: he asked me if I agreed with the Western approach to democracy. Well, I would say this. The democratic system in Europe developed as the result of gradual evolution over many hundreds of years. The pace of development was in accordance with the advance in education, and, indeed, with the advance of civilization because—let us face it—a couple of thousand years ago, Great Britain was not a very civilized place. What I say is this: that I believe that precisely the same factors must govern the pace of democratic advance in Kenya.

Now, Sir, to conclude, I would like to say that my impression has been that the quality of the debate has certainly lost nothing by the limitation on the length of speeches, and I rather hope that perhaps this particular debate may set the pattern for future ones, and we may

thereby avoid somewhat lengthy and tedious repetition.

Question that the words to be added be added put and carried.

Question that the Motion as amended put and carried.

#### MOTION

##### UNDISTRIBUTED INCOME TAX MODIFICATIONS

MR. ALEXANDER: Mr. Speaker, I beg to move the following Motion in my name on the Order Paper:—

THAT this Council records its appreciation of the modifications so far announced by the Minister for Finance, to the income tax proposals contained in Sessional Paper No. 5 of 1957/58 concerning undistributed income tax, and urges the Government to continue negotiations with the other East African Governments with the object of agreeing further essential modifications before the matter is introduced to the East Africa Central Legislative Assembly, based on the one purpose of effectively and fairly eliminating avoidance of income tax; and further that other necessary changes in respect of the proposals on capital deductions, pension and provident funds and property income also be placed before the other East African Governments for early negotiation.

I would say that if the Government do not accept this Motion, I will of course be exceedingly frustrated. I will be economically frustrated.

The main purpose of the Motion concerns undistributed income tax. I do wish here that the Government would alter this and call it undistributed profits tax, because that is the expression used in other countries, and I am sure it would be far clearer to everybody. At the outset, we must, Mr. Speaker, have our minds quite clear on the purpose, the object of this tax. It was clearly stated by the Minister for Finance in his Budget Speech on 7th May last when he said—and I quote: "The first matter of concern to the Government is evasion and avoidance of tax. Of great importance in the field of tax avoidance is the private company, at present dealt with under the well-known section 22 of the Income Tax Act".

(Mr. Alexander)

The Coates Report, when discussing the East African legislation on this subject, had this to say—and I quote: "We are satisfied that its objective has been based on preventing the shareholders of some private companies which unreasonably refrain from distributing profits from gaining a tax advantage thereby".

The Royal Commission on taxation in the United Kingdom published in June, 1955, had much the same to say on the general question of avoidance. In all these statements, therefore, Mr. Speaker, statements by our Minister for Finance, in the Coates Report and by the Radcliffe Commission in the United Kingdom, there is a clearly expressed and implied and acceptably fundamental intention that, again in the words of the Royal Commission in the United Kingdom when it says "... the kind of avoidance which the tax system should be protected against in this field can be defined with reasonable clarity if it is related to the final purpose of the system capitalised as to assess each person upon income and to collect his share of tax accordingly".

Mr. Speaker, I ask hon. Members to be convinced with me that anti-avoidance legislation of a kind that is so embracing and so wide that it attacks innocence and attacks legitimate actions must thereby of its very nature be unfair, unjust and indiscriminate. That being so, Mr. Speaker, it is now appropriate to discover and to decide on two main questions. Firstly, whether the proposals in Sessional Paper No. 5 of 1957/58 and any modifications thereto, whether they deal equitably and reasonably with the question of avoidance of the payment of surtax through the withholding from distribution of income of a company which would otherwise be distributed. And secondly, to discover and to decide whether the tax structure as a whole is so sufficiently sensible and well balanced as to discourage the search for means of tax avoidance by the general body of taxpayers. Dealing with the first point, namely, undistributed profits of companies, the proposals as they now are allow all companies other than investment companies and property companies to retain a net 20 per cent of their profits before being brought into the scope of undistributed income tax. This net 20

per cent is equivalent with ordinary company tax 5s. 6d. in the pound to a gross amount of 27.6 per cent. This retention allowance of a net 20 per cent, or a gross 27.6 per cent, is in the case of some companies partly or completely unjustified. To this extent, the proposals are of themselves—of themselves—actually promoting, actually helping avoidance. That is, there are some companies who have no need to retain any, or very little of their profits, for working capital. And yet these proposals quite indiscriminately make a concession to them, a concession which openly accepts avoidance. At the same time, there are very many more companies which need to retain more than a net 20 per cent of their profits to cope not only with current requirements of the company's business, but also with such other requirements as may be necessary or advisable for the maintenance and the expansion of their business.

The proposals as they stand have failed to distinguish between the working capital needs as between different companies, and this failure will result in some cases of a gift by Government of avoidance to some companies, whilst denying to other companies the legitimate retention of profits, which are now to be excessively and unreasonably—unreasonably—taxed.

Therefore, Mr. Speaker, I submit that concerning undistributed income tax, a case has been adequately made for the withdrawal of the proposals now on the understanding that they will be reintroduced in different form at some time in the future, excepting—excepting (and this is important)—that the two proposals which deal with currently blatant avoidance be retained by a short and simple amendment to the present section 22 of the Management Act, firstly concerning investment companies and the taxing of all their profits; and secondly, the attack on companies avoiding section 22 by creating two classes of equity shares. And in this morning's newspaper, there is a pleasant little story dealing with one of those sort of companies.

Three other good reasons, Mr. Speaker, for the withdrawal now of the main proposals on undistributed profits tax are that firstly, the proposals and particularly the agreed modifications are

[Mr. Alexander] certain to produce a lengthy and complicated law, and perhaps unworkable law that will require very many more skilled officials to interpret and administer; and also thereby create added difficulties and confusion to company administration generally. It is appropriate to note what the Radcliffe Commission in the United Kingdom said on this type of legislations—and I quote it: "We are disturbed by the criticism that much of the anti-avoidance legislation is obscurely worded and draws more widely than its purpose requires. We doubt if many lawyers could expound with confidence the effect of the 26 sections that make up Part 18 of the Act".

I am quite appalled—quite appalled—at the thought of what this legislation will look like when the proposals are put into legal form. If the Government are worried, or have any doubt about the staffing and the facilities to administer a system which considers each company's profits on its merits, then they certainly need to be very considerably more concerned about the difficulties and the staff which will be required to understand and administer the mass of legal verbiage that these proposals will produce. A second good reason for withdrawing now the main proposals on undistributed income tax is that after having taken into account the modifications so far announced, there is likely to be little or no extra revenue for the Government. Therefore, a period ahead for re-thinking would not result in additional embarrassment to the Government finances. It would be a great pity, Mr. Speaker, a misfortune, to thrust all the upheaval and doubts of the present proposals on to the public without little or no financial gain to the Government. It would be seen to be small-minded and irritating.

A third good reason for withdrawing the main proposals now is that in their effectiveness, they are excessively and unreasonably retrospective. At worst, it is possible for a company with profits accruing from 1st July, 1956, to be brought within the scope; that is, profits arising some two years ago from now, and by the time legislation becomes law, some two and a half years. Recently, the British House of Commons emphatically rejected retrospective legislation, and not

for the first time. It is objectionable and repugnant to our British ways, and we here in Kenya would do well to follow Britain in this respect.

Therefore, Mr. Speaker, for all the reasons I have expounded and many other good reasons, I would commend to our Government the sentiment that was contained in a letter that came into my firm quite recently. And it said: "Please send me a claim form. I have had a baby; I had one before, but it got dirty, so I burned it". That, Mr. Speaker, is what I suggest: that the Government do with these proposals: burn them. They are dirty.

Mr. Speaker, at the beginning of what I said on undistributed income tax, I also said that we had to decide whether the tax structure as a whole is sufficiently sensible and well balanced as to discourage the search for means of tax avoidance by the general body of taxpayers. Mr. Speaker, I wish to make it abundantly clear that if our Government persists in the present maximum levels of personal rates of tax, and if it continues to persist with an undistributed income tax of 9s. 6d. in the pound, then avoidance of tax will continue, and will become more subtle, more complex and more extensive.

Mr. Speaker, people just will not tolerate, will not endure these penal rates of taxation, and the inevitable remedy, the inevitable easing of the burden is more avoidance.

Mr. Speaker, I am grateful to hon. Members for having given just enough time for this matter to be discussed before it finally leaves this Council for the Central Assembly, and I do hope that at the end of this debate, we will have no reason to say the debating and the reasoning dies, the Ministers and their steam-roller depart, still stands the Kenya sacrifice, a taxpayer with a bleeding heart.

Mr. Speaker, I beg to move.

MR. BOMPAS: Mr. Speaker, Sir, I rise to second the Motion so competently proposed by my hon. friend and neighbour from Nairobi West. There remains little to add, Sir, upon the aspect of the undistributed income tax which I may say always conjures up in my mind visions of needy taxpayers queuing up outside the tax office to receive some of

[Mr. Bompas] this largesse in the shape of undistributed profits, and I would endorse what my hon. friend, the Mover, said, in that we might well find an alternative title.

I would like to emphasize, Sir, the point made by the hon. Mover when he indicated that the net addition to the Colony's revenue after the concessions offered by the hon. Minister would seem to be comparatively slight. That being so, Sir, the Government mountain has been in labour and indeed brought forth a mouse. So slight a sum, Sir (and I believe indeed, that against the background of a £33,000,000 Budget, it will be shown to be comparatively slight), is, when viewed against the legal and interpretation complexities, the collection costs and beyond all the economic demoralization that the proposals have created, indeed no more than the mouse I referred to. I say demoralization, Sir, advisedly, because emphasis has been laid not only in this House, but elsewhere, upon the deterrent effect of the original proposals upon development, and the aggravating effects they are likely to have upon the flight of capital from this Colony. I do not believe that the proposed modifications, welcome as they are, will be given their full weight in the minds of the taxpayers or the potential taxpayers, and therefore, the concessions will actually lose much of their significance.

I do not believe, Sir, that those modifications will restore economic morale either in local or overseas eyes. I submit, Sir, that the only effective way of attempting to restore that morale would be by courageous and statesmanlike total withdrawal by the Minister and his counterparts elsewhere, of this so-called undistributed profits tax—I beg your pardon, undistributed income tax. I am getting myself tied in knots now!—And the seeking of alternative remedies to counter tax avoidance by some projection, as was suggested by the hon. Mover, of the old section 22. The Minister will be aware, Sir, that almost before the ink was dry on his Sessional Paper, astute persons were already working out, seeking means whereby the new legislation calculated to plug the gap in the tax structure could be circumvented, legally circumvented, Sir, I may say. The hon. Mover did touch indirectly on this

aspect, and I would add that I, who make no pretensions to financial genius, have already seen one comparatively simple way round the new legislation which I shall be pleased to confide to the hon. Minister in some other place.

Now, Mr. Speaker, I would venture upon a plea in respect of the basis of charge upon the annual value of owner-occupied premises. Here I should declare a limited but triple interest. Firstly, I happen to be an owner-occupier myself; secondly, as a director and executive of a building society (and I would remind the House that the prime function of the building society movement globally is the encouragement of owner-occupation); and thirdly, as a member of Government's own Central Housing Board, which, incidentally, is attempting at this very moment and has been for some time to encourage tenant-purchase schemes amongst the higher income group of Africans. Now, Sir, the previous method of assessing the net annual value of owner-occupied houses did, according to the Minister's reasoning, include a mild element—perhaps not so mild—at any rate, an element of subsidy. This reasoning, I believe, can be faulted in certain aspects, but the limitations of time preclude me from pursuing an argument on that, and for the present purpose, let me admit to an element of subsidy.

I need not enlarge upon the sociological reasons why, in this country under prevailing conditions the withdrawal of this concession is a most retrograde step. Indeed, the hon. Minister for Defence and Internal Security more or less made my points for me yesterday when he was speaking to the Motion which was earlier before this House on communism. There is nothing new, Sir, in the principle of housing subsidy in one form or another. If I may quote only one instance, the so-called "De Teye" Law of Belgium of 29th May, 1948, granted a non-refundable capital bounty to developers, prospective owners, of 50,000 new houses. In addition, it is an open secret, Mr. Speaker, that the British Government itself is rapidly moving towards a greatly encouraged programme of owner-occupation, just as we in Kenya currently propose to move away in the reverse direction.

[Mr. Bompäs]

Sessional Paper No. 5 shows that the increase in the taxpayer's assessment on his home under the new proposals will be approximately two-and-a-quarter times the old figure. Now, I would appeal to the Minister not to take away from the owner-occupier, who has often at very considerable sacrifice of pleasures, comforts, luxuries, created a home for himself, his family; I would appeal to the Minister not to take away a concession which I believe that developer richly deserves. I appeal to the Minister not to take away a concession which I believe although only applying to a proportion of the populace, is generally in the public interest, a concession, which I prefer to call a reward, which is in keeping with modern thought and modern trend on the subject. And finally, Sir, a concession which I feel can be described as a bait; the bait which in the past has induced numbers of thrifty persons to invest their savings together with borrowed moneys, in the purchase and building of a house. Now that the Colony is coming within sight of a solution to at least the Asian and European housing shortage problem, it looks almost as though the Government is now going to spring the trap upon its victims.

Finally, Mr. Speaker, again here must I declare a limited interest in that I am a local director of a British life insurance office, but I would emphasize that, the points which will come before the hon. Member are in fact counter to the interest of the insurance office to which I refer. Time prevents me, Sir, from pursuing this, but I would commend to Government the representations upon pension schemes and provident funds which can be expected in their hands from the Nairobi Chamber of Commerce.

With that, Sir, I repeat, I beg to second the Motion.

*Question proposed.*

MR. BUTTER: Mr. Speaker, I rise to try and deal very briefly with the points about pensions and provident fund schemes which, although not actually put forward by the Mover or the Second, are included in the Motion. Where it is stated that necessary changes should be made on both these points, pension and provident fund schemes.

The Second did state that the Government could expect proposals for changes in these schemes.

The Government position is that we see no reason for changes in the schemes put forward in the Sessional Paper, which we regard as fair and just, I think I should begin very briefly by referring to the principles upon which taxation of pension and provident fund schemes is based.

The principle is that either the contributions of the retiring benefits must suffer tax. If the retiring benefits could be likened to a cake, and the contributions to the ingredients of the cake that are put aside each year, then during his working life the member of such a scheme must expect that either a proportion of the ingredients will go to the tax-gatherer or that when he gets his cake at the end he will have to leave a slice for the income tax authorities. This is not a system peculiar to Kenya. It is a generally accepted principle, to which there are, admittedly, exceptions. The main exception, of course, is that participants in pension schemes are allowed to commute one-quarter of their pension and do not bear any tax when they commute their pension. There is no logic behind that; possibly the reason may be that tax-gatherers are human and have kind hearts. Another possibility is that the tax-gatherers themselves are civil servants living on modest salaries, and the only way they can provide for their housing when they retire is by commuting part of their pensions.

Generally speaking, the criticism, I think, has been levelled mostly against provident fund schemes. The new proposals under the Sessional Paper, but the system now proposed will, in fact, be in the interests of the vast majority of the people who do contribute to provident fund schemes. The former system of taxation was that the contribution did not bear tax, but a portion of the cake, which it was extremely difficult for the contributor to the scheme to calculate in advance, had to go to the income tax authorities when the man retired. The taxation was based on three-quarters of the sum which was due to him when he went on retirement. The system now proposed, which is more logical and more suitable to the great majority of schemes, is that the contributions suffer tax but

[Mr. Butler]

the benefit is entirely untaxed. In fact, we go further than that, because to a limited extent the employer's contribution to the scheme is freed from tax, but the member of the fund can still draw the whole amount of his cake at the end without even depositing one cherry from the top on the tax-gatherer's plate when he retires.

Participants in provident funds are usually in the lower income groups and the amount of their contributions therefore is probably not taxable anyway. What we have to consider is the case of those contributors to provident funds who are in the higher income groups and are in the minority; it is quite easy for them to provide for their retirement in a perfectly satisfactory manner. One possibility would be for the firm or company concerned to establish two provident fund schemes; the approved scheme would be credited with the tax-free concession which the employer can credit to the scheme of £100 per annum or 10 per cent of the employee's salary, whichever is less; and he could also establish another scheme which would not be approved and therefore the contributions of the employer and the employee would bear tax but the same position would remain, that the final benefit would be paid without any deduction of tax.

There are many other ways in which provision can be made when the formation of a pension scheme does not suit the particular firm or company. Another one, of course, is life insurance. If the employer chooses to contribute £200, for example, to a life insurance policy for one of his employees, he escapes tax on that sum, because it is regarded as part of the salary of the employee. The employee in his turn can claim relief at Sh. 5 in the pound on that £200, and unless, therefore, his personal rate of tax is in excess of Sh. 5 in the pound he does not suffer any tax on that contribution for life insurance.

I can only repeat, therefore, that the change in the method of dealing with provident funds will be in the interests of the main, vast majority of the people who are members of those funds.

In conclusion, I would merely like to say that this policy recognizes the fact

that there has been a change-over to wards more pension schemes and fewer provident fund schemes; provident fund schemes now cater mainly for the lower income groups and arrangements can be made to cover those in the higher income groups. In general, the Government's attitude on pensions and provident funds has been generous, because, as explained by the Minister for Finance on 7th May, the total effect of the Government's proposals, including the concessions to the self-employed, will be a loss of revenue of something of the order of £100,000.

MR. BUCHANAN: Mr. Speaker, Sir, if I may deal very briefly, because of the limitation in time, with some of the points raised by the hon. Member for Nairobi West. In dealing with the proposals relating to tax on undistributed income, he challenged the nature of the present proposals. He stigmatized them as being unfair, unwise and indiscriminate. He then went on to deal more specifically with his criticisms. If I may correct him at the outset on one little point, if I heard him right, he said that both investment and property-owning companies were excluded from the proposals. As far as investment companies are concerned, he is correct. Although there is no specific measure aimed against them, it results from the fact that all income by way of dividend or interest will be excluded from the computation of distributable income. Hence, property-owning companies are not caught in that particular measure.

To deal more specifically with some of his criticisms, he asked for the proposals to be withdrawn for three specific reasons. The first one was that in order to put into effect the proposals, it would be necessary to have lengthy and complicated provisions. Well, what are lengthy and complicated provisions? It is, of course, a matter of opinion. But I can assure him that the matter is in the hands of experts and competent exponents of the art of legal draftsmanship, both in East Africa and in the United Kingdom. When the proposals are put into Bill form and published next month, they will in turn receive the consideration of the three East African Governments and by then there will have been at least five different classes of legal experts at work on them.



[Mr. Bechgaard]

The second point was that the proposals were likely to yield little or no extra revenue. Well, there is a certain measure of truth in what the hon. Member says, because the effect of the proposals is much more likely to be indirect than direct. If I may explain, the tax on undistributed income as such is not expected to yield more than the estimate, because, if a company is competently advised by its professional officers, it will no doubt take such steps as are open to it within the framework of the law to avoid the tax by making distributions of income. In other words, the yield in company tax is likely to be increased as a result of these proposals.

Thirdly, the hon. Member complained that the proposals were unreasonably retrospective. Well, they have to be retrospective so as not to create a vacuum. It is a matter of, shall we say, fiscal accident that it has to be two-and-a-half years. All company taxation is necessarily retrospective or retroactive in that regard because it is not until the end of the year, as the hon. Member well knows, that the accounts are prepared. All income tax in East Africa is automatically one year in arrears in any event. The reason why they have to be retrospective is, of course, a very simple one: they are linked—the whole question of this tax on undistributed income is linked—with the other Budget proposals, which contain, *inter alia*, very much more favourable rates of personal allowances. Does he then wish only the company proposals not to be retrospective or does he also wish the same, shall we say, factor to be introduced in respect of personal allowances? Does he wish to cancel the concession? In my submission, you cannot divorce the two; they are linked in the Budget proposals and are not unreasonable.

I beg to oppose.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, Sir, I find myself in a little difficulty at this particular stage because I have either to allow certain assertions and assumptions to go unchallenged, thereby allowing the Member for Nairobi West to wind up, or I have to claim the 20 minutes to which I am entitled to defend the Government

against the rather sweeping statements that are made from time to time by hon. Members opposite.

THE SPEAKER (Sir Ferdinand Cavenish-Bentinck): Since this is the last sitting and we shall from today be adjourning for some time, I propose, in view of the importance of this matter, to permit you to continue for a reasonable time and to give the hon. Member a right of reply. I think hon. Members would agree that that is the right action to pursue.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): That gets me out of the difficulty of having to try and box what I was about to say into a very few moments.

First of all, Sir, let me deal with the Member for Kiambu on the question of net annual value. Sir, I would like, too, to declare an interest. I happen also to be an owner-occupier. I do not think that the hon. Member was a Member of this House when some few weeks ago, on 7th May, we started this long and weary process of debating and redebating and debating again the merits or demerits of the tax. I think, Sir, the fact that so many hon. Members are absent perhaps indicates that the House fully realizes that it has gone over these arguments time and time again, and that one is only compelled to, and one only wishes to repeat them to put them on record once more, as my hon. friend, the Acting Secretary to the Treasury, has done with regard to the provident funds. A large proportion of the effects on the provident funds was amply dealt with by my hon. friend, Mr. Mackenzie, in the debate on Ways and Means. I think, Sir, we are really getting down to the state of "I say this," "I say that," without ever taking notice, if I may say so—certainly that is how it appears—of what the other person says, if it is the Government that is saying it.

Sir, the hon. Member dealt with the net annual values. Now, Sir, I must once again refer him to paragraph 527 of the Coates Commission Report. He said that the United Kingdom was getting away from this particular practice. I would like to quote from the paragraph, which says, "The matter was considered by the United Kingdom Royal Commission, which recommends that the charge should continue there. They pointed out

[The Minister for Finance and Development] that an owner-occupier, with a given income, paying no rent, has a larger taxable capacity than a tenant with the same income, out of which he must meet liability for rent".

Mr. BOMPAS: Mr. Speaker, my words were that the United Kingdom was moving towards—and I think the hon. Minister is speaking about practice in the United Kingdom in the past. I am speaking of policy which is imminent and crystallizing.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): No, Sir, I am sorry; that is an owner-occupier policy, but the latest United Kingdom Royal Commission has, in fact, said that in so far as the net annual value proposition is concerned, it should continue. Indeed, the Coates Commission Report goes on: "We respectfully agree with the Royal Commission that the assessment of the annual value of owner-occupied property is sound and we recommend that it should continue in East Africa. If the ownership of houses for occupation is a practice to be encouraged in the public interest, we do not think that this should be done by exempting their annual value from income tax".

Now, Sir, there are many other things that one could develop in this regard, but I would leave it at that, in view of the time at our disposal.

The hon. Member for Kiambu also spoke, I think, about astute persons, working out methods for circumventing the tax. Well, Sir, we are fully aware that people are always at work, working out methods as to how legally to pay as little tax as possible. Indeed we should be astounded if that practice ever ceased; we should begin to think there was cause for an enquiry into the fundamentals of changing human nature, if that condition ever arose where the brains of the world stopped working out legitimate and legal reasons as to why it should not pay tax.

But he did speak about the demoralization which he said had been caused, Sir, these proposals. I always wonder, Sir, whether, indeed, the gentleman who gives way in a matter like this is wise or not, because we have given away in the modifications we have put forward, in so

far as Kenya is concerned, a considerable amount in tax. It seems rather surprising that a sum of that magnitude should be referred to as a mouse; if that is a mouse, Sir, heaven help us when we come to have to give a rat away, because what is going to happen to the Government structure of expenditure in the services then, I really cannot think. But, Sir, the hon. Member for Nairobi West quoted a letter, I think he said he received it in his office, about somebody who had asked for a form, had a baby, it was dirty and so he said: "Please send me another".

Well, Sir, that seems to be a letter of remarkable ignorance to me, because obviously the writer did not know what to do with the paper or the baby. Of course, if it was a dirty baby, all you had to do was to wash it. Sir, strangely enough, we also have letters in the Government and our letters never seem to coincide with the tone of letters that are produced by the other side of the House. My letters, Sir, say things like: "This is a brief note to say that the statement last week on the subject of undistributed income tax has done much to restore the confidence of my shareholders and I am sure that of all other non-resident investors". That, Sir, is from a fairly big company of non-resident investment.

I have no doubt that other letters can be produced, in which no doubt the people concerned are taxpayers, anxious legitimately to oppose this tax, saying the opposite. But I can only say that in so far as we are concerned, those are the indications that we have received.

The hon. Member for Nairobi West spoke about additional staff that would be necessary. Well, Sir, I can only say that the Income Tax Department, which after all is the main adviser of the Government in these matters, does not see the same difficulty as does the hon. Member for Nairobi West. He quoted from part of my speech on 7th May, I hope that he will quote the rest of the hope that he will quote the rest of the paragraph which began, "The first paragraph which began, 'The matter is matter of concern to the Government is the evasion and avoidance of tax...'" and which ended, "its prevention is largely a question of efficient administration and, subject to certain legal improvements to be included in the new Income

[The Minister for Finance and Development]  
Tax Act, this Government has confidence in the Income Tax Department to deal with the problem". That is the problem of evasion and avoidance, and, Sir, they made that statement in full recognition of the proposals for undistributed income tax.

Now, Sir, I am sorry that the Government cannot accept the Resolution as it stands. I am sure that the hon. Member would not have agreed with us if we had moved an amendment that there should be a fullstop after "income tax" and let the resolution be left purely as a measure of appreciation of what the Government has done! The Government with all due modesty, Sir, would not dream of moving such an amendment. The second part, Sir, is: "and urges the Government to continue negotiations with the other East African Governments with the object of agreeing further essential modifications before the matter is introduced to the East Africa Central Legislative Assembly, based on the one purpose of effectively and fairly eliminating avoidance of income tax . . .". Now, Sir, what are the essential modifications? It is obvious that there has been no time for any agreement to be reached on what are the essential modifications, further essential modifications, in this debate; and the Government feels that in line with the other East African Governments it has gone as far as it can, unless, Sir, arguments carrying much more weight and reality than those put forward so far are brought forward. I had hoped in his speech that the hon. Member might have put forward such further essential modifications as, for instance, the fact that if there is to be a lower rate of undistributed income tax it should apply to public and private companies throughout, and that we should follow, for instance, South Africa to the limit of its legislation, I need hardly say, Sir, that at this stage I should oppose that because I think it would be very bad indeed to put our public companies in that position. But, Sir, I am already informed that the draft of the legislation has been completed in London by the legal officers of the Central Legislative Assembly and the High Commission, and that therefore it is too late for any further modifications

to that legislation in draft; that the Bill will have to be published; and that if further modifications are to be made, they will have to be made through evidence given before the select committee and by decision of the proper legislative authority. So that, Sir, that is not only unacceptable in its implications, but it cannot in fact be accepted in its machinery because the matter has already gone too far along those lines.

We have, Sir, as Finance Ministers, I think, agreed that we are prepared to meet the Associated Chambers of Commerce delegation after the legislation has been published, so that they will have had time to look at the legislation, see what it is in fact, and then we shall be pleased to listen to their representations again, in the hope that they will produce and adduce new arguments.

In so far as the latter part of it is concerned, Sir, "and further that other necessary changes in respect of the proposals on capital deductions, pension and provident funds and property income also be placed before the other East African Governments for early negotiation", we obviously cannot accept that for there is again no agreement on what are necessary changes. If the changes had been outlined in detail, it might have been possible to have said, "Well, we can think again on this or think again on that", but no Government, Sir, with all due respect, could accept anything so very wide as "other necessary changes" without indeed knowing what changes were regarded as necessary by the Council as a whole. It is fairly obvious, Sir, from the many, many weeks of debate we have had on this subject that there is a wide difference of opinion in the general situation as to what is a necessary change and what is not a necessary change. One thing I am convinced of, Sir, and that is that the Government has gone a long way, first of all in its concessions on personal allowances; there has been a reviewing of the general rate which has indeed been brought down to Sh. 15, plus of course, in Kenya, the additional 75 cents Emergency surcharge. That has cost a lot of money. We have now, I think, as reasonable people, Sir, listened to arguments from the other side; we have modified the original proposals to the

[The Minister for Finance and Development]  
extent we felt was necessary to see particularly that the legitimate public company and the investor from abroad should not be placed in a position of difficulty.

But, Sir, the one thing I think we must say quite definitely is impossible in the present financial position of this country, and with the level of expenditure which is demanded, is an overall reduction of the rate, which seems to have been hinted at by the hon. Member for Nairobi West. That, Sir, would mean such a loss of public revenue immediately that it would be impossible to continue with the services which indeed, only this morning, one hon. Member on the opposite side was asking me about in private conversation, as to whether it would not be possible for them to be increased. Sir, it just cannot be attempted. Nor, Sir, can it be accepted that there can be any withdrawal of these proposals now. The withdrawal of one group of proposals would mean the upsetting of the balance of the Budget as a whole; it would mean withdrawing the whole of the proposals. And, as my hon. friend, the Nominated Member, Mr. Bechgaard, said, that would mean withdrawing the retrospective effect we have given to personal allowances, to individuals in this country, costing the Budget of the country some £851,000, plus £100,000 anticipated for self-retired benefits. Sir, the Government cannot accept this Resolution; it does not propose to amend it because it thinks amendment impossible and very difficult in the circumstances. I had hoped perhaps the hon. Member for Nairobi West, having had this chance of putting forward once again his feelings on these particular matters, would consider withdrawing his Resolution in the knowledge that the legislation is soon to be published and placed before the country and that, at that stage, the Ministers of Finance of the three Governments are quite prepared to meet those protagonists of opposition, the Chambers of Commerce, and discuss with them the matters again and listen to the arguments that they are prepared to put forward.

Sir, I beg to oppose.

THE SPEAKER (Sir Ferdinand Cavenish-Bentinck): I will ask the Mover to

reply, and he may have up to his full 15 minutes if he so wishes.

MR. ALEXANDER: Mr. Speaker, Sir, I do not want more than a very few moments to reply. The Minister for Finance, I think, when he started his remarks, did suggest that all the letters they were getting in to the Tax Office were of a complimentary nature. He obviously has not been shown one that they recently had—

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Sir, on a point of order, I think the hon. gentleman should allow me to correct him. I never said "all" the letters.

MR. ALEXANDER: Well, I am just trying to quote this one that the Commissioner for Tax received the other day. It was from a man who wrote and said, "I am a vermin destroyer; I have not been employed for the last month, and I would be very pleased to call on you at an early date". There was another one which said, "Since receiving the income tax form my mother-in-law passed away on 22nd July. Thanking you, Sir . . ."

I must just answer the one argument of the Minister's, that we had not put forward detailed proposals. I think the House will agree that that is a somewhat unfair challenge. I myself deliberately cut five minutes off what I had to say, and I am quite certain that neither he nor hon. Members ever expected in a debate as rushed as this, and on such a complex subject as this, a mass of detailed proposals.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): On a point of explanation, the hon. Member will see that I regretted they had not been put in the Resolution.

MR. ALEXANDER: Sir, the Resolution as it is worded is quite lengthy; it is very difficult to word this kind of Resolution and the intention was clearly there. The hon. Minister knows very, very well the type of proposals we have got in mind and I think it is most unfortunate that he produced that very unfair argument.

Finally, Mr. Speaker, I would just refer to what I regard as the most operative words of this Motion. They read as follows: "to continue negotiations . . ."

(Mr. Alexander)

with the object of agreeing further essential modifications . . . based on the one purpose of effectively and fairly eliminating avoidance of income tax. I must presume, and I hope the world outside will presume, that in rejecting this Motion, the Government really has no intention of effectively and fairly eliminating avoidance of income tax. That is the whole intention of this tax, and I believe in that respect that Government have failed miserably.

In connexion with the loss of revenue, with Government persisting in the top level, all I can say, Mr. Speaker—and I say this with conviction—is that the Minister can take it, and the Kenya Government can take it, that if they persist with these high rates of taxation, there will be far less revenue for this Colony. Already—already—I know of substantial capital that is moving to South Africa because it just will not stomach Sh. 5 in the pound, and the sooner our Government get that clearly into their heads, the sooner will the revenue of the Colony be improved.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): On a point

of explanation, Sir—I did not want to interrupt the hon. Member—but again, when he was reading the Resolution, Sir, and referring to my argument, he did not put in the words that I had referred to specifically “before the matter is introduced to the East Africa Legislative Assembly”. I did try to point out, Sir, that the machinery had in fact reached a point where we could not accept this.

MR. ALEXANDER: Mr. Speaker, I did not want to interfere. The inference is quite clear: on a point of explanation, the Government do not wish to deal with the avoidance of income tax.

The question was put and negatived.

MR. ALEXANDER: Successfully steam-rolled.

#### ADJOURNMENT

THE SPEAKER (Sir Ferdinand Caven-dish-Bentinck): That brings us to the end of the business: on the Order Paper, and, indeed, the end of the business which is going to be transacted during this particular somewhat protracted series or term of sittings. I therefore adjourn the House *sine die*.

*The House rose at thirty-eight minutes past Twelve o'clock.*

#### WRITTEN ANSWER TO QUESTION

NUMBER 46.

SIR CHARLES MARKHAM, Br. (Ukamba) to ask the Minister for Agriculture, Animal Husbandry and Water Resources:—

1. In view of the fact that the Seven Forks extraction formula confines conservation up-stream of Seven Forks to extreme peak flow, thereby rendering conservation impracticable if not impossible, does the Minister consider the provision of 300 cusecs for irrigation in the dry months in that area, out of a yearly mean flow exceeding 3,000 cusecs, a fair and reasonable allocation?

What amount of dry season flow is available for allocation to future private applicants?

2. Has the Minister caused to be surveyed the possibility and cost of conserving flood flow in a multitude of earth dams on seasonally dry tributaries to the Tana River?

3. In view of the depressing effect of current credit restrictions on the growth in demand for power, will the Minister state whether the need for hydro-electric development of the size and scope of the Seven Forks Scheme is now no longer as pressing as it earlier appeared?

4. Will the Minister agree to examine alternatives to hydro-electric development which prejudices the extensive use of irrigation in suitable areas?

5. Will the Minister cause a comprehensive survey to be made of the Athi-Tana catchment area on the lines of the Rufiji basin survey?

Secondly, the statement “300 cusecs will be available for irrigation in the dry months” is incorrect if, by “dry months” is meant the first stage 15th January/23rd March: During this period 130 cusecs will be available to users other than power who have obtained permits after 20th September, 1956, plus 64 cusecs already allocated before September, 1956; total 194 cusecs. In view of the limited information at present available concerning the potentialities of irrigation in this area and the other agricultural uses to which water could be economically diverted, and in view also of the importance of the hydro-electric project for future development in Kenya, the provision of a total of 194 cusecs for use in the dry weather for purposes other than power is considered fair and reasonable.

Thirdly, the statement in the question that the mean flow exceeds 3,000 cusecs is also incorrect. The authority to use water for power is drafted so as to operate by stages and the amount of water available for power and other users depends upon the behaviour of the river during the various stages.

As shown by the following examples it is misleading to relate the dry weather allocation for irrigation to the annual mean flow because of the marked variation of the river throughout the year:—

	1947	1948	1949
	Cusecs		
Mean flow . . . .	4,350	2,370	1,390
Available for power . . . .	1,770	1,600	1,000
Available for irrigation* . . . .	370	390	320
Available for storage . . . .	2,210	380	70
Description of year . . . .	Good Average Fair		

\*Excludes users prior to September, 1956, whose diversions are excluded from these figures.

The mean flow averaged over 10 years is 2,745 cusecs.

#### REPLY

1. This question contains several inaccuracies. While the statement that the Seven Forks extraction formula confines conservation up-stream of Seven Forks to extreme peak flow is approximately correct, it is incorrect to assume therefore that storage up-stream of Seven Forks is either impracticable or impossible. As mentioned below (Question 5) this is being further investigated.

Referring to the last part of this question, no distinction is made between private and Government applications for water, but the amount of dry season flow at present available for allocation to future applicants is the quantity of water unallocated for the period 15th January/23rd March, i.e. 30 cusecs. It may, however, be possible to increase this amount if suitable storage can be developed.

2. A technical investigation into the drainage area up-stream of Seven Forks has started and the possibility and approximate cost of conserving flood flow by earth dams on both permanent and seasonal water courses will be included in the investigation.

3. The pressing nature of the need for electrical development of the size and scope of the Seven Forks Scheme is not materially affected by temporary but not unexpected variations in the demand for power, though the timing of the scheme may be influenced by this factor to a certain degree, having regard to the nature and scope of the project. (Based on estimates of maximum demand which have been prepared, a temporary setback of no more than one to two years is indicated.) A delay of one to two years in terms of a project to deal with five times the present demand of Nairobi is not significant.

4. No, Sir. The Power Securities Corporation Ltd., have received an

authority to construct works, based on a defined allocation of water, from the Water Apportionment Board, in accordance with the law. This consideration has already been taken into account. I cannot, therefore, agree to further examination of alternatives to this hydro-electric development on which a large amount of capital has already been committed on investigation work. In any event, the only known alternatives to hydro-electric development are thermal or nuclear generation, which involve a reliance on external sources of fuel supply, the dangers and cost of which are apparent. The importation of bulk supplies of electricity also involves an undue dependence on a source of supply over which the Kenya Government can exercise no control.

5. Yes, Sir. Preliminary examination has already started and will be expanded shortly into a comprehensive investigation of the Tana River catchment area up-stream of Seven Forks.

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VOLUME LXXVI  
Parts I & II

15th April, 1958, to 25th July, 1958

#### Explanation of Abbreviations

Notice of Motion=NoM; Question=Qn; Bills: Read First, Second or Third Time=1R, 2R, 3R; In Committee=IC; Report=R; Consideration of Report=Cons.R; Referred to Select Committee=SC; Select Committee Report=SCR; Recommended to Council=Re.C; Withdrawn=Wdn.

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